The Sydney Morning Herald.

"IN MODERATION PLACING ALL MY GLORY, WHILE TORIES CALL ME WHIG—AND WHIGS A TORY."

TERMS OF SUBSCRIPTION.
Sydney, Fifteen Shillings per Quarter. Single Numbers, Sixpence. Country, Seventeen Shillings and Sixpence per Quarter. Ten per cent. discount for payment in advance, and ten per cent. added if accounts are allowed to run over six months.

VOL. XVIII. THURSDAY, OCTOBER 17, 1844. No 2317.

CASH TERMS FOR ADVERTISEMENTS.
For one inch and under, Three Shillings, and One Shilling for every additional inch, for each insertion.

The only persons authorised to receive Moneys and Communications on account of the "SYDNEY MORNING HERALD" *(except at the Office of Publication, Lower George-street, Sydney) are* MR. JOHN HARRIS, *and* MR. WM. BALL, *Collectors, Sydney;* MR. JOSEPH HUNT, *Balmain;* MR. T. M. SLOMAN, *Bathurst;* MR. LABAN WHITE, *Windsor;* MR. HUGH TAYLOR, *Parramatta;* MR. A. W. LARYMORE, *Maitland and Wollombi;* MR. JOHN BROWN, *Campbelltown;* MR. JOHN COLEMAN, *Penrith;* MR. THOMAS W. PALMER, Deputy Postmaster, *Wollongong;* MR. ROBERT CRAIG, Cabinetmaker, *Goulburn;* MR. JOHN M'KINLAY, Postmaster, *Cassilis and Merton;* MR. JOHN GRAY *Queanbeyan;* MR. THOMAS HOPE, Deputy Postmaster, *Singleton and Jerry's Plains;* MR. WILLIAM PRITCHARD, Deputy Postmaster, *Liverpool;* , *Berrima;* MR. ROBERT DAVISON, *for the District of Yass;* MR. THOMAS DOWSE, *Moreton Bay;* MR. JOHN HOULDING, Postmaster, *Raymond Terrace;* MR. PIERCE HEGARTY, *Musclebrook;* MR. HORATIO TOZER, *Port Macquarie;* MR. HENRY ALDERSON, *Clarence River;* MR. JOSEPH LLOYD, *Port Phillip;* CAPTAIN THOM, *Launceston and Van Diemen's Land;* MR. WILLIAM BARNERD RHODES, *Wellington, for Port Nicholson and Cook's Straits, New Zealand; who are provided with Printed Receipts, with the written signatures of who hereby give Notice that no other will be acknowledged for debts accruing from January 1, 1841.*

The "SYDNEY MORNING HERALD" *is Published every Morning (Sundays excepted); and the Quarters end the 31st March, 30th June, 30th September, and 31st December; at which periods* ONLY *can Subscribers decline by giving Notice and paying the amount due to the end of the Current Quarter.* ADVERTISEMENTS *must specify on the face of them the number of times they are intended to be inserted, or they will be continued till countermanded, and charged to the party. No Advertisements can be withdrawn after Eleven o'clock, a. m., but new ones will be received until Nine o'clock in the Evening. No verbal communications can be attended to, and all letters must be post-paid signatures of* "KEMP AND FAIRFAX," *or they will not be taken in.*

SPECIAL NOTICE.

THE Subscribers to this Paper, and the Public generally, are respectfully informed, that the following Rules are strictly adhered to:—

In Sydney.—No new Subscribers will be received without *one quarter* being paid in advance, for which ten per cent. will be allowed; the subscription in advance being 13s. 6d, per quarter.

In the Country.—No new Subscribers will be received without *half-a-year* being paid in advance, for which ten per cent. will be allowed; the subscription in advance being £1 11s. 6d. per half-year; and the Proprietors must be furnished at the time with a written undertaking that all future payments, both for subscription and charges of advertisements, shall be made in Sydney, or by the hands of an Agent.

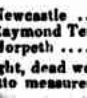
In all cases, whether in Town or Country, the names of persons will be struck off the subscription list, when the arrears against them have stood over twelve months, and proceedings for recovering the amount due will be instituted.

Advertisements must be paid for previous to their insertion.

In all cases of Insolvency, when the party is a Subscriber to this Journal, the name is at once erased from the Subscriber's Book; and if he wish to take the paper in future he must comply with the rule affecting new Subscribers, and pay in advance.

IRON STEAMER TO THE HUNTER.

REDUCED FARES.



NOTICE.—The *THISTLE,* steamer, W. Mulhall, Commander, will resume her trips to the Hunter, leaving Sydney for Morpeth This Day, Thursday, the 17th instant, at ten o'clock P.M.

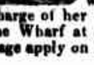
FARES.	Cabin. s. d.	Steerage. s. d.
To Newcastle	6 0	3 0
Raymond Terrace......	7 0	3 6
Morpeth	8 0	4 0

Freight, dead weight, per ton, 8s.
Ditto measurement, ditto, 12s. 6d.

FRANCIS CLARKE,
Manager.

Hunter River Steam Navigation Company,
Sydney, 17th October. 5000

FOR MELBOURNE DIRECT.



THE clipper schooner *HAWK,* G. W. Brown, commander, will sail immediately after discharge of her inward cargo, and goes up to the Wharf at Melbourne. For freight or passage apply on board; to

JOHN F. ROSS; or to
5154 JOHN ALGER.

EXCHANGE UPON LONDON.

THE Royal Bank of Australia hereby give notice, that they will sell their Drafts, or Scotch Bank acceptances, payable in London.

J. P. ROBINSON, Resident Director,
Office, No. 2, Church-hill. 7585

Commissariat Office,
Sydney, 7th October, 1844

NOTICE is hereby given, that the Contractor for the supply of Provisions, Forage, &c., for the Military and Convict services in the district of Bathurst, having given the stipulated notice to terminate his contract on the 30th of November next, Tenders will be received at this Office until Wednesday, the 23rd instant, at noon, for furnishing the said supplies from the 1st of December next, to the 31st March, 1845, under the terms and conditions originally published by Deputy Commissary-General Miller for the purpose, by advertisement dated 2nd January, 1844, and inserted in the *Government Gazette* of the 6th of that month, pages 32, 33, and 34, the particulars of which, with printed forms of Tender, may be had by application at this Office.

The Tenders to be sealed, and in duplicate. None will be received unless this is adhered to.

T. W. RAMSAY,
4764 Deputy Commissary-General.

THE SHIPPING GAZETTE,
AND
SYDNEY GENERAL TRADE LIST.

THE Thirtieth Number of the *Shipping Gazette* was published on Saturday, and will be continued every Saturday afternoon.

Contents:—Arrivals and Departures of Shipping for the week; Coasters Inwards and Outwards; Imports and Exports for the week; Vessels laid on for London; the Shipping Intelligence of the week, including News from the Out-ports, New Zealand, and Calcutta; List of Ships in Harbour; the Loss of the *Magnet*; Moreton Bay—Loss of the Whaler *Thule*; Ships Loading for London; Whaling News; Indian Ocean—Reefs of Rodriques. Commercial Remarks; Wool Market; Quantity of Spirits and Tobacco in Bond; Horses in India; Price Current; Exchanges, &c.

_ Advertisements received for the above till ten o'clock on the mornings of publication. Terms same as for the *Morning Herald.*

TERMS:	£	s.	d.
One copy, per quarter	0	7	6
Two copies, ditto	0	12	0
Three copies, ditto	0	16	6
Four copies, ditto..........	1	1	0
Six copies, per annum	5	0	0

KEMP AND FAIRFAX,
Proprietors.

THIS DAY IS PUBLISHED,

A SERMON, preached in the Female Factory, Parramatta, on Tuesday, the 4th June, 1844, by the Lord Bishop of Australia. Second edition, with a Preface.

To be had of Messrs. Colman, Ford, and Moffitt. 5001

EVERY DESCRIPTION OF
BOOK AND JOB PRINTING,
PERFORMED with accuracy and despatch, at low prices, by
KEMP AND FAIRFAX.

DISTRESSED FAMILIES.

To the Editors of the Sydney Morning Herald.

GENTLEMEN,—The subject which I am about to bring before the generous public of New South Wales, at this time, through your widely circulated journal, will no doubt be considered by many as intended to bring over to my interest the present distressed and suffering mechanics and labourers who are voters in Sydney at the forthcoming election; but I can appeal to a higher tribunal than that of man, for He knows that this act is not intended for so mean a purpose, but as a duty I owe to our unwillingly distressed brethren, and which has always been a source of sorrow to me, when I considered their willingness to work, but could find none.

I am led at this time, to appeal to the citizens of Sydney and colony at large, high and low, in behalf of the distressed in this City, from a petition presented by the member for Sydney, signed by twenty-one mechanics, willing to labour, but discharged on Saturday last, Government having no further call for their services. These twenty-one mechanics, my fellow-citizens,—for to you I am addressing myself—have, according to the wording of the petition, no less than five or six children each—say five children: here are one hundred and five dear children surrounding their fathers, who are unemployed, but willing to work: they require bread but have neither means nor money to procure it. Who can think of this and not weep for such distress, and come forward to their immediate relief? To the honour of Mr. William C. Wentworth, he not only presented the petition on behalf of the people, but pressed the subject upon the attention of the Colonial Secretary, as well as solicited his influence with the Executive, praying that the petition may be immediately attended to.

But I beg leave to call the immediate attention of the City Corporation to this heart-rending account of the distressed, and propose to the Right Worshipful the Mayor, Aldermen, and Councillors for the City of Sydney, that subscription lists be immediately prepared, in order to raise funds whereby some of the distressed may be immediately employed. And I beg, with becoming deference, in order to show a disposition to support the measure, to say, I will give £10 as my mite towards this much-to-be-desired object; and I hope all the City Corporation will be like-minded, for they will never perform an act, while holding office, so praiseworthy as that of giving bread to the starving fathers, mothers, and children, of the present distressed mechanics, labourers, and others, at present in our City.

And I hope that many persons will immediately come forward, and go from house to house to solicit subscriptions in support of this object; also that lists be left at all the Banks for a like purpose. And I trust that the benevolent hearts of all my fellow-citizens who may peruse this humble appeal to their liberality will do something in its behalf. The times are called hard, but we have, thank God, cheap bread, so that there is not a person who is in constant employment but can afford to give something; and although times are hard, there are large sums of unemployed capital in the Banks; and we cannot employ a part of our unused cash in a more noble cause than that of giving food to the hungry; this we can do by giving employment to those who are unemployed. In conclusion I beg to show, that *£1200* raised in this manner would employ ten mechanics and twenty labourers for one year; carry this out further, and how easy would it be, by withholding perhaps a few luxuries from ourselves, to double this sum; and thus, by our own efforts, cheer the hearts of the distressed, without any Government assistance? I am ready to assist in any way, so far as I can, in furthering the measure proposed, and a line from any person willing to join with me shall be promptly attended to; but I write this in subserviency to, and with a desire to co-operate with, the Right Worshipful the Mayor and Corporation.

I am, Gentlemen,
Your obedient servant,
THOMAS HYNDES.

Druitt-street, Ocober 11. 5017

GEORGE-STREET NORTH.
OPPOSITE BRIDGE-STREET.
TEETH.

MR. J. EMANUEL, Examined Surgeon-Dentist, Member of the College of Surgeons of Holland, having with unremitted diligence made the science of Artificial Teeth his peculiar study, continues to SUPPLY ARTIFICIAL TEETH, on a principle which, for utility, comfort, or appearance, and nicety in the arrangement, (giving perfect restoration of the features, their natural symmetry, especially in the shape and expression of the mouth, combined with their durability), cannot, if equalled, be surpassed in any city of Europe; and for which he has received his DIPLOMA AS DENTIST and testimonials from the Professors of Leyden and Utrecht Colleges.

Natural, Artificial, or the new patent Mineral Teeth, lately arrived from Paris, which will be found very superior to all others, as they will never change colour or decay, and their perfect resemblance to nature defies detection even by the closest observer. This method does not require the extraction of any teeth or roots, or any painful operation whatever.

Natural Teeth beautifully mounted in Artificial Gums, on Mr. Emanuel's painless but effective system of self-adhesion, without springs or clasps of any kind, from one to a complete set.

All operations appertaining to the Dental Art attended to on sound surgical principles.

Mr. Emanuel's Cement for stopping decayed teeth, however large the cavity; it is far superior to anything ever before used, as it is placed in the tooth in a soft state, without any pressure or pain, and in a short time becomes as hard as the enamel, and will remain firm in the tooth for years, rendering extraction unnecessary. It arrests all further progress of decay, and renders them again useful in *mastication*. The tooth warranted never to change colour. Mr. E. can confidently assert that this is one of the most valuable inventions ever introduced, and he will readily undertake any case wherein others have failed.

Malformation of children's mouths eradicated, in cases where the teeth project too forward or backward, without extracting the permanent teeth. Loose teeth fastened. Artificial palates, on a new principle. Scorbutic gums cured. Teeth cleaned of the tartar.

CHARGES STRICTLY MODERATE, SO AS TO MEET THE MEANS OF THE MOST ECONOMICAL.

All Consultations free.

Teeth extracted, 2s. 6d. each. Instantaneous relief for the toothache sold, in bottles from 2s. 6d. to 5s. and upwards.

Mr. E.'s specimens of artificial teeth on view daily.

☞ Old plates, or misfits of artificial teeth remodelled, and made to fit the mouth with comfort.

Ladies and families attended at their private residences.

At home from Nine, A.M., till Six, P.M.

Observe—two doors from Mr. S. Lyons's Auction Mart. 8503

TO JOSHUA FREY JOSEPHSON, ESQ.

SIR,—We, the undersigned Electors of Cook's Ward, in the City of Sydney, hereby request your permission to put you in nomination as a Councillor for the same at the ensuing Election, and undertake to exert ourselves to ensure your return.

Thomas Barker, J.P.	Benjamin Pitt Griffin
Charles Windeyer	J. M. Illidge
T. Shadforth, J.P.	Stephen Owen
John Thompson	F. Girard
Alex. Fotheringham	H. O. Ayrane
R. Campbell	J. H. Palmer
William Carr	W. Wyatt
Reuben Uther	J. O. Glanham
H. B. Bradley	J. B. Jones
George J. Rogers	J. Leary
Lancelot Iredale	Edwin Clarke
Wm. H. Strafford	

To Thomas Barker, Esq., J.P., and the Electors signing the above Requisition.

GENTLEMEN,—In acknowledging the respect which you have thus publicly testified towards me by requesting me to become a candidate for the office of Councillor of your Ward, I cannot but feel pleasure in acceding to your request, pledging myself in the event of being elected, to use every honourable exertion to support your interests, in common with the general interests of the community.

I have the honour to remain,
Your obedient servant,
4915 J. F. JOSEPHSON.

J. J. COHEN,
MANUFACTURING
GOLD AND SILVERSMITH
WATCHMAKER AND OPTICIAN,
TEMPLE OF FASHION,

479, GEORGE-STREET, SYDNEY,

RESPECTFULLY invites the attention of the Gentry and Public in general to his EXTENSIVE SUPERB STOCK, and more especially to SPLENDID ADDITIONS recently received from London. Prices in strict accordance with the times.

J. J. C. has first-rate London workmen constantly employed on the premises. Particular attention paid to the Watch, Clock, and Opticianary departments.

☞ Gold, Silver, Diamonds, Gems, and Pearls, purchased, or received in payment. 5762

ARTISTS' REPOSITORY.

W. FORD having made considerable and recent additions to his well selected stock of Artists' Materials, begs to invite the attention of the Ladies, Artists, and Amateurs of Sydney, to the annexed List, feeling sure that he has only to state that they have been selected and shipped by Messrs. ACKERMAN, MORDAN, and REEVES, to warrant their being of the best quality.

Ackerman and Reeves' superfine water colours
Ackerman's, Reeves', and Mordan's prepared drawing pencils
Ackerman's sketching pencils—black, brown, grey, neutral tint
London and Bristol drawing boards
Crayon papers of various colours
Improved SOLID sketch books, rough and smooth paper
Sketching portfolios, with tin frames
Sable and camelhair brushes
Round and flat brushes, in tin
Prepared mill-boards for oil painting
Prepared canvass for artists
Oil colours, prepared in patent air-tight metallic tubes
DRY OIL COLOURS, finely ground in spirits, in half ounce and one ounce packages, viz., ULTRAMARINE, French ultramarine, carmine, crimson lake, pink and brown madder, and every colour in use for oil painting
French hair tools
Poonah brushes—Minature ivories
Venetian crayons, for drawing in imitation of water colours
Wolfs Creta Lævi's pencils, in cases and sets
Prepared chalks, white and black
Port crayons and stumps for chalks
Cartoon pencils, for drawing after the style of the old masters
Permanent white, flake white, ox gall, and liquid brown
Gold and silver, green and blue saucers
French tracing paper—Gold paper
Perforated card-board
Hand screens, for painting and needlework
Water colour preservative, for giving water colours the durability of oil, and for rendering them washable with soap and water
Oil, moist, and water colours, in boxes, complete
White wood screens for transfer
Marking ink, requiring no preparation
T squares, and parallel rules
Manifold writers—Berlin patterns
Envelope cases, handsomely fitted up
Albums, scrap-books, drawing-books, and portfolios
Ivory tablets, card cases, and pocket-books
Drawing books, and rudiments, in great variety
Lessons and examples in Poonah painting, with formules, and directions for their use
The Student's Guide, or elements for drawing in perspective, with directions for colouring and sketching

W. F. has on hand a great variety of School-books, Account-books, Copy-books, and Stationery of every description.

554, George-street,
Opposite Bank of Australasia 4998

NEW DRAPERY GOODS!!!

JUST ARRIVED, and for sale at TRAFALGAR HOUSE, a complete assortment of Drapery Goods, which will be sold at much lower prices than usual, having been bought *for cash* during the late very depressed state of the English markets. The public will find it very much to their advantage to continue to patronise this establishment, as the greater part of the goods are quite new, and all the remaining old stock has been reduced to half price.

N. B.—Country settlers and storekeepers will, as usual, be supplied at wholesale prices, thereby effecting a saving to themselves of at least fifteen per cent.

Best navy-blue prints only 6d. per yard
Superior plate prints 5½d. per yard
A large variety of splendid town printed cambric dresses, the newest styles, and the best qualities manufactured.
Ladies' white cotton hose only, 6d. per pair
Ditto black ditto ditto, only 7½d. per pair
Lancashire and Welsh flannels, commencing at 7d. per yard
Super calicos, only 3d. per yard
Unbleached calico, 40 inches wide, 4½d.
Superior regatta shirts, 2s. each
Blankets, rugs, and hats, at equally low prices

The whole of the extensive stock of slops is quite new, and consists of moleskin jackets and trousers, striped and regatta shirts, toilinette, worsted and silk plush waiscoats, pilot, cantoon, and shepherds' coats.

Observe.—Trafalgar House, opposite R. Peek's, late Peek and Campbell.

Terms—Cash, and no abatement. 4808

COLONIAL TWEEDS.

ALL TWEEDS manufactured by A. and J. RAYNER may in future be known by having a purple stripe in the selvages. 4089

STEAM BOILING.

THE following are the prices for boiling down at Armstrong's Establishment, Grose Farm, Parramatta-road, within a mile of the boundary of Sydney:

For cattle .... 5s. per head
For sheep .... 6d. per head.

The above includes all charges for casks, cartage, &c.

Sixpence each allowed for bullocks, tongues, or they will be delivered to the proprietors' order. 3592

JONATHAN THORP AND CO., 315, Pitt-street, have still on hand, a large assortment of silks, satins, satinets, longcloths, calicoes, sheetings, blankets, quilts, counterpanes, carpets, rugs, druggets, prints, slops, shirts, and general drapery goods, to which they beg to call especial notice, as the whole must really be sold off by the 30th November.

Charles Newton (manager for the above firm) begs to assure the public that this is not one of the every day puffs of selling off, retiring from business, &c., &c., which has been so general of late, but a really *bona fide, legitimate-out-and out* sale by private contract, until the 30th November, and whatever goods remain on hand at that time will be sold off without reserve,

BY AUCTION.

Amongst the many bargains that are to be met with, the Silk Stock (which stands unrivalled both as regards cheapness and extent) is worthy of especial notice; in fact, were it not for the risk of spotting, it would pay better to send them to England; and, in consequence of the aversion that ladies have to attending auctions, and the ruinous prices fancy goods sell for by this mode, C. N. has marked the whole stock fully one-third less than the English cost, to ensure an actual clear out.

Real good coloured silks, 2s. per yard
Rich ducapes, 2s. 6d. per yard
Splendid poult de sois, 3s. 6d. per yard
Rich satinets, 3s. to 4s. per yard

Magnificent French satins of the richest qualities that are made, from 4s. to 6s. per yard, well worth 10s.

CARPETS.

Notwithstanding the ruinous prices these goods have been sold at by the advertisers for some time past, a further reduction of fully 25 per cent. has been made.

Kidderminster, all wool, at 2s. per yard
Best super quality, at 2s. 6d. ditto
Ditto ditto imperial, at 3s. 6d. ditto
Brussels, 3s. 6d. to 4s. ditto
Hearth rugs at a like reduction.

TAPESTRY CARPET.

56 yards of this beautiful manufacture, the only piece in the colony, cost in Edinborough 8s. 6d. per yard, will be sold for 6s., with a very handsome rug to match.

FURNITURE PRINTS.

100 pieces of handsome patterns, at 14s. 6d. per piece
200 pieces of very superior, at 16s. 6d. ditto
A large lot of table linen, mosquito, and window muslins, remarkably cheap
10 pieces black and coloured French merinoes, at 3s. 6d. per yard
A lot of British merinoes, at 15d. per yard
100 pieces German ditto, at 21d. ditto
A good assortment of white and coloured shirts, and merino waistcoats for summer use
3000 dozen hose and socks of all sorts, very cheap

To prevent disappointment, J. T. and Co. feel it their duty to state, that in consequence of not purchasing any goods in the colony, and not expecting any from home, their stock is a little unassorted, and will be more so every day; but they pledge themselves to sell whatever they have, cheaper than any house in the whole colony. 5089

EX "MARY WHITE."

CHANCE, BROTHERS, AND CO.'S GLASS:

CROWN AND SHEET,

10 x 8, 16 x 14, 18 x 14, 14 x 10, 14 x 12, 16 x 12, 20 x 14, 18 x 16, 20 x 16, 22 x 16, 24 x 18, 24 x 20, 18 x 12.

BUCHANAN AND CO.
Lyons-buildings, George-street. 3855

CAVENDISH TOBACCO AND FRESH AMERICAN FLOUR

JUST LANDED, and on Sale, at the Stores of the Undersigned—

500 Boxes of superior Cavendish Tobacco
200 Barrels of Fresh American Flour, at

ISAAC SIMMONS'S
4780 City Mart, 474, George-street.

ON SALE.

HYSONSKIN AND CONGO TEA
Coffee
Manila cordage
Tobacco, in 200 lb. kegs
Blankets
Calicoes, muslins, &c.

A. CAMPBELL BROWN

A. C. B. has removed to Lyons-buildings George-street. 3717

FOR SALE, at the Stores of the Undersigned—

Brandy, Martell's
Ditto, Hennessey's
Rum, West India, 10 to 25 O. P.
Ditto, East India, 25 O. P.
Gin (pale) in quarter-casks
Wiskey, Highland
Taylor's stout, in hogsheads
Dunbar's bottled ale and stout.

SMITH AND CAMPBELL.
Campbell's Wharf. 4105

LIVERPOOL SALT.—1000 bags common coarse grained 200 ditto fine dairy

Now landing, ex *Garland Grove*, for sale, by
R. W. ROBINSON.
King-street West, October 14. 5111

THE LARGE SUPERIOR EBENEZER COAL,

SOLD only by weight, delivered within the City at 24s. per Imperial Ton of 2240 lbs.; on the Wharf, Sussex-street, at 22s.

2758 L. E. THRELKELD

NEWCASTLE COAL.

NOTICE.—The price of Coal at the Australian Agricultural Company's Wharf, Miller's Point, has this day been reduced one penny per bushel, viz., to

Seven-pence per bushel on the Wharf,
Eight-pence per bushel delivered;
Fourteen bags of two bushels each, 16s. 4d. on the Wharf,
Ditto ditto, 18s. 8d. delivered.

Extra cartage as usual according to distance.

All payments to be made before delivery to Mr. F. Ebsworth, Agent for the Australian Agricultural Company, Miller's Point, or Bligh-street, Sydney, where orders will be received.

P. P. KING,
Commissioner,
Australian Agricultural Company.
July 1. 27

WOOL AND SHEEPSKINS.

EDWIN BENNETT, Wool Broker, will give the highest cash prices for clean and unwashed wool, and sheepskins.

N. B.—Wools classed and re-packed as usual.

6030 374, Pitt-street, near the Union Bank.

WOOL AND TALLOW.

WOOL AND TALLOW purchased, or a liberal cash advance given thereon upon the day of delivery into store, for consignment to Liverpool or London, by

BUCHANAN AND CO.
OFFICE—Lyons-buildings, George-street.
STORES—Darling Harbour Wharf, late Gosling, Brown, and Co.'s. 3718

THE undersigned will purchase for cash, or advance on WOOL, OIL, TALLOW, or other colonial produce, consigned for sale to their correspondents in London, Messrs. Magniac, Jardine, and Co.

THACKER, MASON, AND CO.,
2862 Fort-street.

COLONIAL SOAP exchanged for TALLOW, at the Manufactory of the undersigned, King-street West, near the Commercial Wharf, Sydney.

3714 R. W. ROBINSON.

CONVEYANCE OF WOOL FROM MANEROO.

ONE Shilling and Sixpence per cwt. will be the freight from Boyd Town to Sydney this season. 3382

PORT MACQUARIE.

NOTICE.—MR. HENRY COHEN, Storekeeper, takes this opportunity of returning his thanks for the encouragement he has received during many years' residence in the above district, and to intimate his intention of retiring to Sydney at the end of the present year; he therefore requests that all those who are indebted to him will settle their accounts forthwith, as he has no desire to resort to legal measures for the recovery thereof. Notwithstanding, all outstanding accounts that may remain unsettled on the 1st of January, 1845, will, without the least distinction of persons, be placed in the hands of his solicitors for immediate recovery.

HENRY COHEN,
Storekeeper, Port Macquarie.
September 30. 4720

BURWOOD ESTATE.

NOTICE is hereby given, that all Cattle found trespassing on the paddocks and grounds appertaining to the house at Burwood (lately occupied by Mr. Rowley) will be impounded; and all persons removing the fences on the said estate will be prosecuted according to law. A reward of Five Pounds will be paid to any person giving information of the removal or destruction of the fences, on the conviction of the parties. 5004

TO CARTERS, HORSE-KEEPERS, &c.

COOK'S RIVER AND NEW TOWN ROAD.

PERSONS willing to contract for the delivery of a quantity of iron-stone, or other approved material, for the repair of the New Town and Cook's River Road, may obtain full particulars as to the description place of delivery, and probable quantity required, upon application to Mr. J. F. Hilly, surveyor, either at his office, 93, King-street, or at his residence, New Town.

Tenders addressed to the Trustees of the New Town Road, and endorsed "Tender for Road Material," must be delivered to the care of the surveyor, on or before Thursday next, the 16th instant, at noon. 5049

WANTED, by the undersigned, ten or twenty thousand Sheep, on halves of increase and wool, either with or without stations. Apply (if by letter, post paid.) at Wollombi; or at Petty's Hotel, Sydney.

RICHARD A. WISEMAN.
Wollombi, August 1. 1539

WANTED, a pair of horses, from fourteen to fifteen hands high, thoroughly broken to saddle and harness, and warranted sound and perfectly free from vice. The colour preferred is black or brown.

ALSO,

A light Cab Phaeton, to answer for one or two horses. Terms, cash.

Apply to Mr. Armstrong, Veterinary Surgeon, Castlereagh-street.

October 15. 5156

WANTED IMMEDIATELY, for the country, an elderly or middle-aged female, who would cook and make herself generally useful in a small family where there are no children. None need apply who cannot bring a respectable reference. Apply at the residence of L. Myles, Esq., Cumberland-street North. 5113

FIVE POUNDS REWARD.

WHEREAS, on or about the 9th September last, two armed bushrangers stopped two men, and stole their horses, saddles, and bridles, at Hall's Creek, in the Merton district. The above reward will be paid by the Clerk of the Bench, Cassilis, upon the recovery and delivery of the horses, at the Court House, Cassilis.

DESCRIPTION OF THE HORSES.

A bay horse, about four years old, branded D in diamond near shoulder, about fifteen hands high, switch tail.

A bay horse, aged, a star on forehead, unbranded, about thirteen hands high, short tail—a stock horse. 4964

OFFICES TO LET, in the best part of George-street. Apply to

RICHARD PEEK,
4969 452, George-street.

TO BE LET,

A GENTLEMAN'S RESIDENCE, fronting Hyde Park, containing spacious dining room, drawing room, two parlours, twelve bed-rooms, &c., with kitchen, coach-house, stable, and every other convenience. Application to be made to Mr. Clark Irving, 327, Castlereagh-street. 5170

TO BE LET, two Houses at Rushcutter's Bay, containing each ten rooms, viz., drawing and dining room, five bed rooms, kitchen, servants' and store room, with stables for two horses, and coach-house. They are pleasantly situated on the road-side, within five minutes' walk of the city, and will be let at a very low rental. For particulars apply on the premises, or to

5112 T. W. SMART.

TO BE LET, at Newtown, that very pretty and commodious cottage lately occupied by Mr. F. J. King, together with outhouses, paddocks, &c. The rent, to a respectable tenant, will be strictly moderate. For particulars apply to

MONIES AND KING,
4986 Charlotte-place.

SKELLATAR.
TO BE LET OR SOLD,

THE Estate called SKELLATAR, near Muswellbrook, in the county of Durham, containing 10,049 acres: subject as to two portions, of 500 acres each, to the annual quit-rent of 10s.; and as to another portion of 2560 acres, to the annual quit-rent of £2 11s.

For terms of lease or sale enquire at the Office of the Australian Trust Company, No. 11, Charlotte place, Sydney. 4977

TO RENT, FOR FIVE OR SEVEN YEARS.

TO Rent, for five or seven years, that beautiful Farm, 460 acres, situate on the Wollombi, known as Glanmire, the distance from Maitland twenty miles; there is now about 80 acres of wheat, looking well; the whole of the Farm is fenced in with a good four-rail fence; there are six paddocks; a neat Cottage of seven rooms, store, granary, gig-house, dairy, kitchen, laundry, stable, a first-rate barn, and other out-offices; a garden, well stocked with fruit trees of all sorts; this property can be leased from the fifteenth of next October; there is likewise a good run for cattle. Apply, if by letter post-paid, to the undersigned.

JOHN M. DAVIES.
Glanmire, Wollombi, July 30. 1757

TO RENT, FOR FIVE OR SEVEN YEARS.

THAT splendid Farm on Hunter's River, known as Mary Villa, situate near Jerry's Plains, and now occupied by Captain Russell, containing 1280 acres of land. There is a neat Cottage, of eight rooms; stable, kitchen, dairy, laundry, stores, gig-house, granary; garden, well stocked with all sort of fruit trees; one large paddock for horses, well secured; one small paddock, cultivation, about 90 acres; a fine run for either sheep or cattle. Possession can be given about the 20th of next October. Apply, if by letter post-paid, to the undersigned.

JOHN M. DAVIES.
Glanmire, Wollombi, July 30. 1758

SALE BY AUCTION.

TO DRAPERS, DEALERS, & OTHERS.

MR. R. FAWCETT will sell by public auction, at his Commercial Sale Rooms, adjoining the Bank of New South Wales,

THIS DAY, 17TH OCTOBER,
At half-past ten o'clock precisely,

One case moleskin trousers
Two cases regatta shirts, large shirts, and extra quality
Two cases mousseline de laine dresses
Two cases assorted prints
One case 9-8 chintz prints
Two bales super calicos
Two bales grey domestics
One case strapped moleskin trousers
One case men's brown Holland blouses
One case one hundred yard white reel cotton
One case two hundred yard white reel cotton
One bale white counterpanes
One case fancy moleskin trousers and coatees
One bale linen dowlas
One case gambroons
One bale canvas trousers
One case checked muslins
With a great variety of other goods.

Terms at sale 5173

SHAWLS, DAMASK TABLECLOTHS, BROWN DRILLS, BROWN HOLLANDS, &c.

MR. R. FAWCETT will sell by public auction, at his late Rooms, 481, George-street,

THIS DAY, THE 17TH OCTOBER,
At half-past ten o'clock precisely,

One case rich Paisley, Indiana, and Cachmere shawls
One case plain and figured satin and Ottoman shawls
One case Khyber, princess royal, Llama, bordered Challi and Cachmere handkerchiefs
One case Damask tablecloths, assorted sizes
One piece brown drills
One piece 4-4 brown Hollands.

Terms at sale. 5172

TO TAILORS, CLOTHIERS, DEALERS, AND OTHERS.

MR. R. FAWCETT will sell by public auction, at his Sale Rooms, next to the Bank of New South Wales,

THIS DAY, 17TH OCTOBER,
At half-past ten o'clock precisely,

One case superfine West of England coloured cloth
One case superfine wool dyed black cloth
One case superfine blue and olive cloth
One case extra fine wool dyed black cassimeres, doeskin, &c.
One bale blue pilot cloth
One bale coloured and scarlet padding.

Terms at sale. 5171

POSTPONED FROM THE 10TH TO THE 17TH INSTANT.

ONE HUNDRED AND TWENTY ACRES
SITUATE IN THE DISTRICT OF COOK,
ALSO, SIXTY-SEVEN ACRES,
ON THE WESTERN ROAD, NEAR PARRAMATTA.
By order of the Mortgagee.

MR. BLACKMAN will sell by auction, at his Rooms, 489, George-street,

THIS DAY, THE 17TH OCTOBER,
At Twelve o'clock precisely,

One hundred and twenty acres of Land in the District of Cook, bounded on the east by 34 chains of Hook's Farm, bearing south, on the south by Ward's Farm, bearing west 38 chains; on the west by 34 chains of James Hassall's Farm, bearing north; by Wentworth's Farm, bearing east.

AND ALSO,

All that parcel of Land, containing by admeasurement 67 acres, more or less, part of 406 acres of land, known as Burder Park, situate on the Western Road, near the town of Parramatta.

Terms and conditions at time of sale.

Further particulars may be had on application at the office of J. F. Josephson, Esq., Solicitor, Elizabeth-street North, with whom the title deeds are deposited. 4926

BRINGELLY.
POSTPONEMENT OF SALE.

MR. J. ROBERTS begs to intimate, that in consequence of the unfavourable aspect of the weather, the sale advertised in the Insolvent Estate of Mr. G. A. Kemp, will not take place till WEDNESDAY, 23rd October, at ten o'clock.

Royal Hotel, October 15. 5159

PART OF THE CELEBRATED FIVE DOCK FARM.

Seventeen acres, three roods, and thirty perches, with an extensive frontage to *Lyons's Road*, and also to the *Waters of Five Dock Bay.*

MR. BLACKMAN has received instructions to sell by public auction, on

TUESDAY, THE 29TH INSTANT,
at his Rooms, 489, George-street,
At twelve o'clock precisely,

All that parcel of land, containing by admeasurement seventeen acres three roods and thirty-five perches, more or less, situated in the district of York-place, in the county of Cumberland, in the colony aforesaid, commencing on the west side of Lyons's Road, opposite to the corner of King's Road, distant forty-three chains fifty links, bounded towards the east by that road, south (42°) forty-two degrees west seven chains eighty links; towards the south by a line west (42°) forty-two degrees north one chain fifty links to Five Dock Bay; towards the west by that Bay; and towards the north by a line east (42°) forty-two degrees south twenty-three chains to the commencing point, which said parcel of land was conveyed to the said Roger Murphy, his heirs, and assigns, by indenture of lease and release, the latter dated the fifteenth day of May, one thousand eight hundred and thirty-nine, made between Samuel Lyons of the one part, and the said Roger Murphy of the other part.

Terms and conditions at time of sale.

N.B.—Plan of the above property may be seen at the office of the auctioneer. 5033

EIGHTY BROOD MARES,

Mostly got by the celebrated Horse "BEVERLEY."

MR. SAMUEL LYONS has received instructions to sell by auction, at the Cattle Market, on

MONDAY NEXT, THE 21ST INSTANT,
At Eleven o'clock precisely,

About Eighty Brood Mares, most of them got by the celebrated horse *Beverley.*

This valuable lot being of the best breed in the colony, the auctioneer can confidently recommend the sale to the particular attention of breeders and others wishing to possess valuable horse stock.

☞ Further particulars will be given at time of sale.

Terms at sale. 5119

THE TALBRAGAR ESTATE,

CONSISTING OF 8319 ACRES,
SITUATE in the COUNTY of BLIGH,
NANDOURA PLAINS;
ALSO,
THE BEAUTIFUL ESTATE OF
MOUNT DRUITT,
ON THE WESTERN ROAD,
NEAR PENRITH,

(Well known as the late Residence of Major Druitt, deceased,) consisting of 1000 Acres, with the Mansion House, and extensive Buildings and Improvements thereon,

TO BE SOLD BY AUCTION,
BY MR. SAMUEL LYONS,

At his Mart, George-street and Charlotte-place,

ON TUESDAY, 5TH NOVEMBER,
At twelve o'clock precisely.

TITLES—*GRANTS from the CROWN.*

THE splendid Estate of TALBRAGAR is one of the finest Sheep Stations in the colony, being well watered, and lying in the picturesque and fertile Plains of

NANDOURA.

The Estate of MOUNT DRUITT is beautifully situated on the Great Western Road, and is well known as the late residence of Major Druitt, deceased. The following description gives its boundaries and extent, as per deed:—

"1000 Acres in the County of Cumberland, Parish of Rooty Hill, bounded on the south by 50 chains of the Great Western Road, commencing from Rossi Creek Bridge; on the east by a line bearing north 125 chains; on the north by a line bearing west 122 chains to Rossi Creek; and on the west by that Creek."

On this Estate there is a handsome Mansion House, extensive Stock Yards, Mens' Huts, Barns, Stables, Coach House, Orchards, &c., &c., altogether forming one of the most valuable and highly improved properties to be met with in this colony.

TERMS.—25 per cent. cash deposit on the fall of the hammer; ten per cent. at three months; the residue may remain on security at 7 per cent. per annum, for years.

For further particulars apply to J. F. Josephson, Esq., solicitor, Elizabeth-street North. 5115

A HERD OF CATTLE.

Will be Sold on the 1st day of December next at the Mart, King-street, by Public Auction, if not disposed of previously by private contract

BY MR. STUBBS,

500 HEAD OF CATTLE, with good BREEDING RUN, about eighty miles from the crossing place to Port Phillip, capable of carrying 800 head,

ON THE HUME RIVER,

And the Run, with the improvements, given in.

A MIXED HERD

In the following proportion, viz.:—

125 Bullocks, two to three years old, and upwards
125 Cows }
125 Heifers } Calves under six months old given in.
125 Steers. }

500 Head, more or less.

☞ Parties requiring further particulars are referred to Mr. J. G. Webb, Tumut Store, Gundagai; or, by application to Mr. Stubbs, Mart, King-street, who is fully authorised to give such a description of the stock as will be well deserving the attention of any person looking out for stock as profitable as any in the colony, especially taking one-fourth as immediately available for turning into cash. It is well known that this part of the Colony is known as the *fattening part*, both for the Sydney and Port Phillip markets.

Terms at Sale. 3558

WINDSOR.

MR. GEORGE SEYMOUR has the honour to announce that he has received instructions from Samuel North, Esq., Police Magistrate, who is removing to Berrima, to Sell by public Auction, at Government Cottage, Windsor,

On SATURDAY, the 26th INSTANT,
at Eleven o'clock precisely,

Several Horses and Mares
Milking Cattle
Waggon, Drays, and Carts
A Water Truck
Farming Implements
Harness
A quantity of good Hay
About 300 bushels of Maize
A quantity of Household Furniture
And several articles too numerous to particularize

Terms made known at sale. 4872

SHIPPING INTELLIGENCE.

ARRIVALS.—None.

DEPARTURES.—None.

EXPORTS.

October 16.—*Soundraporey*, brig, Captain Rogers, for London; 2007 bags, containing 6108 bushels wheat, 32 cwt. old copper, 9000 tree-nails, Thomas Larkins; 18 bales wool, Benjamin Boyd and Co.

Clearance.— October 16. — *Soundraporry*, brig, Captain Rogers for London, with wheat, &c. Passengers—Mrs. Rogers and child, and Mr. Keane.

The Late Gale.—The gale of wind which has raged for the last two days is considered to be the fiercest which has occurred since the loss of the *Edward Lombe*, on Middle Head, in August, 1834. Most of the vessels anchored in the Stream drifted, and were compelled to let go the second anchor. The steamer *James Watt* drifted from her moorings in Johnson's Bay, and was nearly on the south point of Balmain, when Captain Allen and the crew of the *Tamar* got on board, with spare anchors and chains, and at length re-moored her between Boyd's Wharf and Balmain. The steamers *Sophia Jane* and *Tamar* could not make their usual trip to the Hunter, on Tuesday night, and will not leave until to-morrow evening. The steamer *Rose*, which was expected from Morpeth on Tuesday evening, had not arrived last night, and is therefore most probably detained at Newcastle. About four o'clock on Tuesday afternoon two of the South Head pilots, Messrs. Gibson and Jackson, left the Dockyard in their boats, with the intention of proceeding to Watson's Bay; when near abreast of Pinchgut, a sudden squall struck Mr. Jackson's boat, (having himself, two men, and a boy in her), when she immediately capsized. All hands stuck to the boat, and after about forty minutes, when their strength was nearly exhausted, they were luckily seen from the *Garland Grove*, when a boat was instantly manned and repaired to their their assistance, arriving just in time to rescue them from drowning. After landing Mr. Jackson, the lad, and one of the men on Pinchgut, they returned to the boat, with the intention of towing her in shore, but the gale was by this time at its height, and they could make no head-way against it, and stood away for the North Shore, where it is to be hoped they took refuge in Mossman's Bay, but no tidings of them had reached the ship up to last evening. The following letter has been forwarded for insertion:—"To Captain Robson of the ship *Garland Grove*.—Sir,—I lose not a moment in thanking you for the reception which I received this morning on board your ship, and also in acknowledging the timely assistance which was rendered to me by part of your crew, when I was upset by a sudden gust of wind, close to your vessel, yesterday afternoon. To the promptness with which the boat was dispatched, I feel myself bound to say that I owe my own preservation of life as well as that of my boat's crew; and I feel in duty bound to make this public acknowledgment of your kindness and attention through the medium of the *Sydney Morning Herald*.—I have the honour to be, Sir, ever yours gratefully, Robert A. Jackson.—October 16th, 1844." As nothing was seen of Mr. Gibson, after the squall fears were entertained that his boat had shared the same fate, but we are informed that he landed at Watson's Bay about an hour after the accident, quite unconscious of what had occurred.

We have been informed by a person who came overland from Broken Bay that the barque reported by the *Tamar* on Tuesday morning at daybreak, had not entered the Bay by noon of that day; she must therefore have stood off to sea again.

The Schooner "Vixen."—This vessel sails to-morrow for Tahiti She is very much improved by being converted from a cutter to a schooner. Mr. Imlay goes in her to the Islands.—*Southern Cross, September* 7.

The brig *Prince Albert* was advertised to leave Auckland on the 20th September, for Port Adelaide.

The *Soundraporey* will sail for London as soon as the weather becomes moderate.

The Barque "Lucy Ann."—We are requested to inform the public, that the sale of the *Lucy Ann* is postponed until further notice.

DIARY.

MEMORANDA FOR THIS DAY.

October.		SUN rises	SUN sets	HIGH WATER morn	HIGH WATER even
17	THURSDAY	5 36	6 24	12 6	12 30

First Quarter, Oct. 19, 20 m. past 1, morning.

The Sydney Morning Herald.

THURSDAY, OCTOBER 17, 1844.

"Sworn to no master, of no sect am I."

THE NATIVE BLACKS.

We are extremely glad to observe the altered tone of the *Herald* and its squatting friends with respect to the aboriginal population. Time was, and but recently, when the *Herald* and the squatters abused the Governor because he would not allow the squatters to shoot the blacks. Now the party have fallen into the other extreme, and fall foul of His Excellency because he has but meagre returns to make of his kindness in their behalf.

The above appeared in the *Register* of Saturday last: and we have no hesitation in asserting that it is one of the most gross mis-statements that has disfigured the columns of the colonial press for a long time. We call upon the *Register* to quote the article in which the *Herald* abused the Governor for not allowing the squatters to shoot the blacks; or to make a direct and explicit retractation of the calumny. We have always argued that strong measures are essential in dealing with the natives—that, in mercy to them, it is necessary that they should be made to fear the power of the white men—and that a strong force should be kept on the borders to protect the whites from the blacks, and the blacks from the whites. To assert, however, that we abused the Governor for not allowing the squatters to shoot the blacks, is a libel upon the character of this journal, of which the editor of the *Register* ought to feel ashamed; and he must either produce his evidence or retract the assertion.

LAW INTELLIGENCE.

NORFOLK ISLAND COMMISSION.

Our readers are already aware that, by a recent Act of the Imperial Parliament, Norfolk Island has ceased (from the 29th ultimo) to be a dependency of New South Wales, and is now attached as a penal settlement to Van Diemen's Land.

His Excellency the Governor of New South Wales, deeming it expedient to dispose of all offences committed on the island previous to its separation from New South Wales, issued a commission for that purpose on the 26th of August last, pursuant to the power vested in his Excellency for that purpose by the local Act 5 Wm. IV., No. 23. The commission, which arrived at Norfolk Island on the 17th ultimo, consisted of the following members:—William Alexander Purefoy, Esq., barrister-at-law, Judge of the Court; Francis Fisher, Esq., Crown Prosecutor and Clerk of Arraigns; Robert G. Lavers, Esq., Sheriff's Deputy. Jurors—Major Ewan Macpherson, 99th Regt; Captain A. W. Read, 99th Regt.; Lieutenant Beatty, 99th Regt.; Lieutenant Elliott, 99th Regt.; Lieutenant O'Reilly, 99th Regt.; Ensign William Isdell, 99th Regt.; and Surgeon Smith, 99th Regt.

The Court being duly opened on Wednesday, the 18th ultimo,

His Honor Mr. Justice Purefoy delivered the following

CHARGE.

Gentlemen,—Having on a former occasion presided in this place as Judge of a Court of Criminal Jurisdiction, and having then felt it my duty to address to the gentlemen who were members of that Court such observations as I considered necessary and expedient for the better understanding the serious and important duties they were called upon to perform, I trust that the adoption of the same course, on the present occasion, may not be without mutual benefit and advantage. That the pure and impartial administration of justice is the greatest blessing of social life, appears to be universally conceded. It is the shield and safeguard to which every man looks with certainty and confidence for the protection of his person and property, or the vindication and punishment of wrongs or injuries inflicted by others. And it would seem difficult to adduce a more forcible illustration of the jealous anxiety and regard with which the genius and spirit of the British Constitution watches over the interests and welfare of every class and grade of her widely extended subjects, than the constitution of this Court of Criminal Jurisdiction at present affords. Gentlemen, we are this day assembled in this remote dependency of the British Crown, by virtue of an Act of the Imperial Parliament, (4 and 5 William IV., c. 63), intituled "An Act for the more effectual administration of Justice at Norfolk Island," for the purpose of enquiring into and determining upon the alleged guilt or innocence of men, who unhappily for themselves, have already forfeited the privileges of freedom, and all the inherent blessings of social life. Yet such is the spirit of mercy and impartial justice which pervades the British Constitution, and has ever been the distinguishing feature and proudest attribute of English law, that men such as these (already doomed by the stern decree of public justice to exile and punishment) are not yet denied the advantages of a fair and impartial trial, when again accused; although their right to such form of trial has long since been forfeited. By the 2nd section of the Act to which I have directed your attention, you perceive that "His Excellency the Governor of New South Wales is empowered to institute a Court of Criminal Jurisdiction at Norfolk Island, with free power and authority to take cognizance of all crimes, misdemeanors, and offences soever committed, by any felons or other offenders under sentence or order of transportation or removal to Norfolk Island, &c.; and the said crimes, misdemeanors, and offences, to adjudge and punish respectively according to the laws in force in New South Wales, in like cases provided." You therefore observe from the language of the statute the very extensive powers and authority with which this Court of Criminal Jurisdiction is invested, and the mode of procedure by which that authority is to be carried into effect. From the peculiar circumstances, however, under which this penal settlement is placed; its distance from the seat of government; the want of ordinary Courts of Criminal Jurisdiction, the unavoidable absence of free institutions; and the very limited number of free persons residing on the island, it is obvious that a Court of Criminal Jurisdiction adapted to such a state of society, must necessarily differ somewhat from those Courts with which we are more familiarly acquainted; and as the duties which you are now required to perform are novel to you, and of serious and solemn importance, not only to the prisoners whom you shall have in charge, but to that society in which you are here placed, permit me, gentlemen, to make a few brief observations, which, I trust, may be calculated, in some measure, to assist you in the performance of your duty, as Jurors of this Court. Gentlemen of the Jury, the peculiar and indeed exclusive duty of Jurors is to find whether the offence alleged in the information has been committed by the prisoner, in manner and form as therein averred, to establish that fact you will hear the evidence of the witnesses who shall be sworn and examined for the prosecution, and upon the degree of credit which you attach to their testimony your verdict will in most cases depend; it is for you, and you alone to determine on the credibility of the witnesses, it is for you to examine into and investigate the motives which may influence a witness in giving his testimony against a prisoner,—he may be influenced by vindictive feelings, he may hope to earn some mitigation of punishment, or he may be an accomplice, and endeavour to free himself from punishment, by transferring to another the guilt with which he confessedly stands tainted; or his general character may be so bad as to weaken his credibility, or even disentitle him to belief on his oath: these, gentlemen, are all matters deserving your serious care and attention, and particularly if the offence charged by the information involves capital punishment. But while I feel it is a part of the solemn and responsible duty reposed in me, as Judge of this Court, to direct the Jury upon the principles of law as applicable to evidence in criminal cases, I must on the other hand caution you by no means to permit any unfavourable impression to arise in your minds from the general character of the witnesses who may be examined before you; you will recollect that they are the only witnesses you can expect in a community such as this, and although tainted by previous conviction, they may nevertheless be the honest, and unbiassed witnesses of truth, influenced only by a desire (so far as in them lies) to aid and assist in the administration of justice, and the punishment of the guilty. In many cases, gentlemen, the intent with which a particular act has been committed constitutes the legal offence; as, for example, stabbing with intent to murder, or to do some grievous bodily harm, or to maim, disfigure, or disable: in all such cases, as the intent, or as it may be termed, the act of the mind, is incapable of direct proof, you can only determine what was the prisoner's intent from the circumstances under which the particular act was committed—such as the weapon used, the time, place, and circumstances, under which the injury was inflicted, the language of the prisoner at the time, his previous threats—all afford strong circumstantial evidence that the act was committed with the intent alleged; in other cases, the law infers the intent from the act itself: for instance, if A stabs B with a deadly weapon, whereby he dies, although no previous malice existed, nor is there evidence of any threat having been used, yet the law, from the nature of the act, infers the malicious and felonious intent,—upon this principle, that every man is supposed to intend the natural and necessary consequence of his own acts. Gentlemen, an accomplice is in every case competent to give evidence, the law does not exclude his testimony, and a conviction upon his evidence alone, unsupported by that of any other witness, is strictly legal; but I would not advise you to convict in any case, where the only evidence is that of an accomplice, his motives in giving evidence cannot be misunderstood, and therefore should an accomplice in any case be a witness, I would strongly advise you to receive his testimony with jealous caution and distrust. You will not reject it altogether; but you will observe how far and to what extent he is corroborated by other witnesses whose testimony you can with safety act upon. On looking over the calendar of offences to be tried before this Court, I regret to find it includes one capital felony (murder by stabbing) and two cases of robbery with violence. To find that outrages of so serious a nature are still committed in this community, by men suffering under the severe punishment which their past offences have incurred, must to every feeling mind be a source of painful regret;—to find that neither the terrors of the law nor the hope of liberty (which, though remote, is always sure and certain to the well-conducted prisoners) can deter or persuade some men to forsake their evil ways, and walk in the path of repentance and newness of life, affords indeed a dark and melancholy picture of human depravity. Surely one must suppose that the last spark of hope, or self-esteem, must be utterly lost and extinguished in the breasts of such depraved and degraded men; nor can I find any reason to hope that the severe examples which it may be the painful duty of this Court to inflict, will have the effect of deterring such men from the evil of their ways. Prisoners of the Crown, I see many of you now before me,—let me address to you a few words of admonition and friendly advice. Hear me, and attend to what I say; I come not here for the sole purpose of inflicting the vengeance of the law against offenders such as you; I am sent here rather in mercy than severity, to convince you that every crime you commit shall be punished; that you shall not be permitted, with impunity, to violate the laws of society, even here; and, perhaps by severe example, to convince you that every offence you commit adds to your present punishment, and inevitably prolongs your future probation of toil and misery. Why is it, prisoners of the Crown, that you still persist in being such enemies to yourselves, and by continued crime to defeat your own best interests and future welfare? Upon whom depends the restoration of your long lost liberty, and all its attendant blessings?—Upon yourselves alone. You are not sent here for the sole purpose of punishment, but rather that by undergoing a system of salutary coercion and hard labour, for a certain period of time, your former disposition to do evil may be changed—that habits of active industry may be promoted and renewed; so that at the expiration of your probationary course, you may again be restored to society, changed and better men;—that is the true principle on which the system of punishment appointed for you here is founded—that is the chief object which it has in view. A penal settlement is intended to be a school for reform; the law which has doomed you to temporary banishment, is still anxious for your reformation and future welfare; and, believe me, would rejoice far more in your restoration to society, than in the continuance of your punishment and degradation. Let me ask, what are the inducements which still urge you on to the commission of crime in such a place as this? Can you, if you rob or steal, even enjoy the fruit of your plunder? Have you not already sufficiently experienced, in your past sufferings and privations, that "the way of transgressors is hard?" Have you not proved, by sad experience, that "there is no peace for the wicked?" How many now before me, who can charge upon themselves alone the continuance of their misery and degradation! whilst on the other hand there are many (as you all know) who, although once prisoners of the Crown, banished for their crimes like yourselves to this solitary isle, have yet, by their own fixed resolve and determination to forsake the ways of iniquity, and by steady perseverance in good conduct, burst at length the chains of slavery, are now once more in the full enjoyment of their liberty, and again become useful members of society. Will not examples such as these have any influence on your minds? Can you not strive to imitate the conduct of such men as these? or has the love of evil become so interwoven in your nature, and so habitual in your lives and practice, that you cannot forsake it? I fear, alas, it is so, at least with some of you; and yet I would tell even the most degraded amongst you that there is still hope for him—"while there is life there is hope." By steady and undeviating perseverance in good conduct the longest sentence may be mitigated, the severity and rigour of the law may in time be softened and relaxed, and the dark cloud of misery and wretchedness which now overshadows your path may yet be dispelled by the bright and cheering beams of long lost liberty restored. Remember, however, that that change can only be effected by, and is entirely dependent on, yourselves. Prisoners of the Crown,—I cennnot conclude these observations (which are sincerely intended for your good) without reminding you, that although unhappily you have forfeited your liberty, you are still possessed of a great and valuable privilege—you have the blessing of religious instruction—you have zealous and attentive ministers of the Gospel, anxious for your welfare, always ready to instruct and encourage you in doing good, to point out the way of righteousness and truth to the ignorant and guilty, and to afford consolation and hope to those who sincerely repent of their past misdeeds, and earnestly desire to lead a new and better life. Places of public worship are provided for you, where each may (according to his persuasion) worship God, and seek that aid and assistance, without which his own endeavours to reform must ever prove fruitless and unavailing. Avail yourselves then, I entreat you, of this great privilege, attend to the religious instruction afforded you, watch carefully over your actions and conduct, avoid every temptation to crime, strive to become better men; and thus through God's mercy your hearts and lives may yet be so changed that you shall be enabled to regain that liberty you have at present forfeited, and of which your crimes alone have deprived you.

ASSAULT.

Patrick Gaffney, per *Royal Admiral*, and *Michael Neill*, per *Governor Ready*, were indicted for an aggravated assault upon one Alexander Stenson, b., on Friday, the 13th September, by striking him on the head with some heavy blunt instrument. From the evidence it appeared that on Friday, the 13th September, a prisoner named Alexander Stenson made some report of a deficiency of water in the washing trough used by the prisoners in the lumber yard, to Mr. Kennedy, one of the assistant-superintendents of convicts; in consequence of which Mr. Kennedy ordered the prisoners to take the water cart and fetch some water. The prisoners shortly afterwards learned that Stenson had made the complaint, and having met him going across the lumber yard, abused Stenson and used threatening language towards him; immediately after which Michael Neill came behind Stenson as he was standing under the mess-shed, and struck him violently on the head with a bludgeon or short stick, which knocked him down. The assault was distinctly proved by two witnesses named John Cornelius and Joshua Strafford. Stenson was removed to the hospital immediately, when the wounds were examined by Surgeon Graham and pronounced to be of a dangerous description. Stenson was placed under medical treatment, and was unable to leave the hospital for ten days. There was no evidence to show that Gaffney had committed the assault, or was present aiding and assisting Michael Neill.

His Honor having briefly summed up the evidence, the Jury returned a verdict of Not Guilty against Gaffney, and Guilty as to Neill, who was sentenced to twelve months' imprisonment with hard labour.

The prisoner Gaffney was remanded at the request of the Crown Prosecutor, in order to prefer an information against him for assaulting Mr. Kennedy, Assistant Superintendent of Convicts.

Friday, September 20.

MURDER.

Patrick Ryan was indicted for the wilful murder of Robert Howell, a prisoner of the Crown, by stabbing him with a knife, near to the lumber yard, at Norfolk Island, on the night of the 10th February last. The prisoner pleaded not guilty.

From the evidence for the prosecution it appeared, that on the 13th February last, between the hours of eight and nine o'clock at night, the deceased, Robert Howell, came running into the barrack with his hand on his left side, and stated to police runner Smith that he had been stabbed by some person who ran towards him from the lumber yard wall; but, in consequence of the darkness of the night, he was unable to discover who it was that stabbed him; police runner Smith immediately caused a muster of the prisoners in their respective wards, when the prisoner at the bar was found absent. On examining the end window of the ward next the Church, it was found that two of the iron bars had been forced asunder so as to admit the body of a man to pass through; the Church window immediately opposite was thrown open, and the sash raised; on entering the Church, a rope was discovered suspended from the roof, (through which a hole had been cut,) and hanging down outside the wall, within five or six feet of the ground; a cap was found by a constable named Thomas Lowe, early the next morning, close to the place where the deceased said he was stabbed, and it was found that the prisoner was in the habit of wearing a cap of that description; it was a Scotch plaid cap, a razor case (empty) was also found at the same place; the deceased told Dr. Grahame, shortly before his death, and when perfectly sensible of his approaching end, that he struck the man who stabbed him, on the head, with a slight stick he had in his hand, and on examining the head of the prisoner Ryan, next day, a slight and recent contusion was found, such as might be produced by the blow described. There was no other evidence to bring home guilt to the prisoner. On cross-examination, by prisoner, it appeared that several other prisoners were out of barracks that night, one of whom was in the bush, and that several of the prisoners wore Scotch caps, similar to that worn by Ryan, nor was the cap produced in evidence sworn to as Ryan's, but merely of the same description; no weapon was found on Ryan when searched at the gaol, where he was brought by Mr. Price, the principal overseer of public works, to whom Ryan voluntarily surrendered himself the same night, before any charge was preferred against him.

His Honor having briefly summed up the evidence, the Jury, without leaving the box, found the prisoner not guilty.

Before the prisoner was discharged, His Honor addressed him nearly as follows:—Patrick Ryan, you have been tried for the serious crime of wilful murder, and the Jury have found you not guilty: I believe there is not one in this Court who has heard the trial, and the nature of the evidence adduced against you, but must concur in the propriety of that verdict; yet Patrick Ryan, I must tell you, that you do not leave that bar wholly free from suspicion—you were proved to be absent from your Barracks on the night of 13th February last, at the time Robert Howell received his death wound; a cap was found, resembling yours, near the place where the murder was committed, and a slight injury was discovered next morning, on your head, such as Surgeon Graham deposed might have been caused by the blow which the deceased said he inflicted on the head of the assassin who stabbed him. You were unable to give any account of yourself, where you had been that night, or for what purpose you had left the Barracks; but yet, notwithstanding all these suspicious circumstances, the Jury took a merciful view of your case, and pronounced you not guilty of the atrocious murder. Had you been found guilty, it would have been my painful duty to have passed upon you the sentence of death, and ordered you for execution. No reference of your case could, under existing circumstances, be made to the Executive at Sydney, and I know of nothing whatever that could have averted your inevitable doom. Your own heart alone knows whether you are guilty of this murder; if you are, and that the voice of conscience is not utterly extinct in your breast, how painful must be your sufferings, how deep your remorse; no cause, no motive whatever has appeard for this atrocious act. Attending to his duties as a constable, he is clandestinely attacked, and without any provocation (shielded from detection by the darkness of the night) he is deprived of life by the ruthless assassin. If indeed the dread secret of that murder is known to you, and though that secret shall never be disclosed by your lips, let me remind you, that there is One "who seeth the very secrets of the heart, to whom all our thoughts are known, and from whom no secrets are hid"—from the eye of God, your guilt (if you be guilty) cannot be concealed, and it may be that if the blood of this man is on your head, circumstances may yet arise to bring guilt home to you. We all know that Providence has frequently, by means which we cannot understand, led to the discovery of the long concealed murderer; let me hope, however, that you are not guilty, and that the peril and danger you have this day been placed in, will have a salutary effect on your future life and conduct, and that in future you will endeavour to avoid crime, and strive to extricate yourself from the bondage and degradation to which your past offences have brought you. The prisoner was then discharged.

Tuesday, September 24.

STEALING IN A DWELLING.

John Whelan, per *Larkins*, *Martin Ryan*, per *Hive*, and *Thomas Hennessy*, per *James Laing*, were arraigned for stealing in the dwelling-house of Mr. Robert Chapman, and assaulting his servant William Nelson, then being in the house in charge of the premises.

The evidence on the part of the Crown was nearly as follows:—

On Sunday, the 8th September, about the hour of eleven o'clock A.M., shortly after Mr. Robert Chapman (who is a Protestant lay catechist on the island) had gone to church, his assigned servant, William Nelson, who was reading in the kitchen, heard some persons open the hall door, and on going towards the kitchen door to ascertain who it was, he was met by four men, one of them armed with an axe, and each of them wearing a piece of dark rough cloth over his face, to prevent his features being recognized. The man who was armed with the axe entered the house first, the other three following immediately. Mr. Chapman's servant (William Nelson) was instantly knocked down by the prisoner Whelan, who was most positively identified by Nelson as the man that struck him, and was armed with the axe. Nelson was immediately tied up by his hands and feet, and towels and other things thrown over his face to prevent him from seeing. However, Nelson positively swore, that while lying on the ground, the towels fell a little off his eyes, and that he looked distinctly at Whelan, (whose "mask" had just fallen off) by which he was enabled to swear with much certainty and positiveness to Whelan's identity. The moment that Whelan perceived Nelson was looking at him, he struck him a blow with his fist, got a large counterpane out of Mr. Chapman's bed-room, and with the assistance of his accomplices tied it over his head, then put a short thick stick into his mouth, and tied it behind his neck with cords; and, lastly, tied him by the hands and feet to the frame of the kitchen table. They then entered Mr. Chapman's bedroom, broke open drawers, locks, boxes, &c., searched every place for money, but were unable to find any, after which they left the house. Nelson, after very considerable difficulty, extricated his hands, and, getting free from the table, ran over to Mr. Farrell's (the next house), when Mrs. Farrell cut the cords of the gag, on which Nelson related what had happened. On examining the house, property to the value of between forty and fifty pounds was found missing, consisting of several silver spoons, a silver cruet stand, a valuable silver lever watch, gold rings, jewellery, and various other articles of value, no clue to the recovery of which has yet been obtained.

The evidence against the prisoner Martin Ryan was entirely circumstantial. About the time of the robbery, he was seen by James Dalton, a servant at Government House, running quickly across a flat, as if coming from the direction of Mr. Chapman's house; he was immediately pursued by a constable named Thomas Lowe, who came up with him near the lumber yard. His jacket was then turned inside out, (all the prisoner's jackets are numbered on the back, outside); the number on his trousers was defaced, and on his shoes being taken off and compared with the tracks inside Mr. Chapman's wall, and with the tracks outside leading in the direction from which Ryan was seen running, they were found to correspond with the most perfect accuracy; and although several other shoes were compared with the tracks, not one could be found to agree but Ryan's.

The evidence against the third prisoner, Thomas Hennessy, was by no means conclusive, It appeared from the evidence of Thomas Gallaway, that on the morning of the robbery, Sunday, the 8th September, between eight and nine o'clock, the prisoners Whelan and Hennessy, left the hut together, Whelan wearing a long dark coloured rough coat, provided for the use of the stockmen (of whom Whelan was one); that about one o'clock in the afternoon Hennessy returned alone, wearing the coat Whelan had on when leaving the hut; but shorter by thirteen inches all round the skirts. Hennessy was unable to give any satisfactory account either of where he had been or how employed from nine o'clock until one,—merely stating that he went to look after the cattle;—nor did he explain why the skirts had been torn off the coat, or why Whelan should have given him the coat to take back to the hut. It was further sworn by Nelson that the pieces of cloth worn over the face by the men who entered Mr. Chapman's house were of the same colour and texture as Whelan's coat, and that the pieces were about twelve inches long, by eight inches wide.

His Honor directed the coat produced in evidence, to be measured with a government coat taken from the store; and it was found to be thirteen inches longer than that which Hennessy had on, when he returned to his hut; and the entire width of the skirt was found to be thirty-two inches, which would exactly make four masks, or pieces of eight inches width each. It was further proved that all the Government coats issued to the stockmen are of the same length. Such was the circumstantial evidence against the prisoners Ryan and Hennessy.

The prisoners having been severally called upon for their defence, declined saying any thing, except to deny their guilt or knowledge of the transaction.

After which, the Judge summed up the evidence, with such observations as he considered necessary to the Jury, who returned a verdict of guilty against all the prisoners.

Thursday, September 26.

His Honor Mr. Justice Purefoy took his seat at half-past ten o'clock this morning, when the three prisoners, John Whelan, Martin Ryan, and Thomas Hennessy, convicted of stealing in the dwelling house of Mr. Chapman, were placed at the bar, and after being asked in the usual form whether they had anything to say why the Court should not pass sentence upon them,

His Honor said, John Whelan, Martin Ryan, and Thomas Hennessy, you have been tried and convicted of the crime of stealing in a dwelling house, and putting in fear. From the nature of the evidence adduced against you, no doubt whatever can exist as to the guilt of you, John Whelan and Martin Ryan: with respect to you, Thomas Hennessy, the evidence is not quite so conclusive, and the Jury inform me that they are not unanimous in finding you guilty. However, upon a careful and mature deliberation of all the circumstances appearing in evidence against you, it seems to me extremely difficult to reconcile such a state of facts with your innocence; it was proved that you left the hut on Sunday morning, the 8th, at nine o'clock, in company with the prisoner John Whelan, you returned alone, wearing the coat that Whelan had on when he left in company with you, but shorter by thirteen inches, which it appears was torn off the skirts; and it has been proved that the disguises wore by the four men who plundered Mr. Chapman's house were of dark coarse cloth, similar to that of Whelan's coat; you have not attempted to give any explanation why Whelan gave you the coat to wear, or why the skirts were torn off. It may be that you were not actually in Mr. Chapman's house at the time of the robbery; you are not positively identified as one of the four men, but if you were lying in wait to render assistance to your accomplices in any way, although not within sight or hearing of them, you are equally guilty as if you had entered the premises and carried off the property. As to you, John Whelan, you are positively sworn to as the first man who entered the house, with an axe in your hand,—who knocked down Mr. Chapman's servant, William Nelson, and threatened his life if he offered any resistance. I must say an outrage of a more wanton and atrocious character than this has never before come under my observation. Availing yourselves of the quiet and solemn hour of prayer, when you well knew that your fellow-prisoners and the officers in charge of them were engaged in the public worship of God, and therefore that in all probability you would escape detection, you assumed your disguise, and armed with a deadly weapon, entered the house of this gentleman, (whose character, whose labours, and anxiety for your welfare, and above all, whose sacred office it might be supposed would have protected him from such an outrage) and finding yourselves disappointed in the expected plunder, you wantonly and maliciously destroyed several articles of furniture, and assaulted his servant man Nelson, although he offered you no resistance whatever; it is impossible to regard such an offence with other feelings than those of indignation and disgust, and the perpetrators of it, as the most abandoned and basest of men; for my own part I much regret that the law has not armed me with power to inflict punishment adequate to the enormity of your offence, I shall however inflict the utmost extent of imprisonment and hard labour which the law allows, and trust that whatever may be the result of that punishment on you, it will at least have the effect of deterring others from committing such aggravated crimes.—the sentence of the Court is that you John Whelan and you Martin Ryan be imprisoned and kept to hard labour for the term of three years, and that you Thomas Hennessy (on the ground of your previous good character, being a first convicted man) be imprisoned and kept to hard labour for eighteen calendar months.

STEALING IN A DWELLING-HOUSE.

George Brownsall, per *Strathfieldsay*, *Thomas Robert Lurchens*, per *Lord Melville*, and *Thomas Swift*, per *Maitland*, were indicted for stealing in the dwelling-house of one James M'Laughlin, and putting him in fear by menaces and threats.

From the evidence, it appeared that the three prisoners, on the 18th of July last, about half-past six in the morning, went to the hut where James M'Laughlin resided; two of them entered the hut, while the third stood outside the door to prevent any alarm being given; they then took away two blankets and a pint pot; after which, they left the hut and took to the bush, where they remained for nearly a week. M'Laughlin, the prosecutor, positively identified the three prisoners, as the men who entered the hut and took away the property. The prisoners offered no defence, and the Jury found a verdict of guilty against each of the prisoners.

Sentences.—George Brownsall, being an old and incorrigible offender, already sentenced to be worked in irons for life, three years' imprisonment with hard labour. Thomas Robert Lurchens, his previous conduct on the island being good, two years' imprisonment with hard labour, accompanied by a recommendation to the Superintendent that six months be taken off the sentence should his future conduct merit such mitigation. Thomas Swift, this prisoner being a first convicted man, and only six months on the island, and no local offence whatever being recorded against him, twelve months' imprisonment with hard labour, accompanied by a recommendation to the Superintendent to be reduced to six months should the prisoner's conduct be found deserving.

CENTRAL CRIMINAL COURT.

Tuesday.

Before His Honor the Chief Justice.

PERJURY.

William Roberts, late of Sydney, labourer, was indicted for having, on the 22nd July last, in the matter of a certain application before Mr. Justice a'Beckett, in which the defendant was called upon to show cause why the judgment and subsequent proceedings therein, in an action between himself and one George Coppin, should not be set aside, on the ground of a previous settlement of the action, made on affidavit before David Bruce Hutchinson, gentleman, a Commissioner of the Supreme Court, wherein he denied having applied to George Wilkie for payment of a sum of money to compromise the action, and alleged that at the time of his communication with Mr. Wilkie, he was intoxicated by drink given to him by the latter, and had only a faint recollection of what had passed, whereas in truth and in fact he had made such application, and was not intoxicated in the manner set forth in the affidavit.

The Attorney-General stated that the prisoner arrived in this colony in January last, bringing with him some money, and a quantity of clothing, and other property. After his arrival he went to reside at Mr. Coppin's, and while living there he was apprehended by the police upon a charge of furiously riding in the streets of the city, for which he was punished by three months' imprisonment. According to the prisoner's affidavit, he had, at this time, £30 10s. in money, and other property, all of which was left in Mr. Coppin's charge when he went to prison; on the expiration of his term of imprisonment some dispute arose between the defendant and Mr. Coppin, as to the property, and an action was brought in *forma pauperis* by the former. During the continuance of the action, Mr. Wilkie, who was a friend of Coppin's, and possessed due authority for that purpose saw the prisoner, and obtained from the latter a release of all claims upon Coppin, in consideration of the sum of £13. After judgment had been obtained, an application was made to one of the Judges to set it aside, on the ground of this release having been given, and it was upon this occasion that the prisoner made the affidavit upon which perjury was charged, and in which he declared that having been sent for by Mr. Wilkie, he was intoxicated with drink given by the latter; and although he had some faint recollection of having signed a paper produced to him by Mr. Wilkie, he did not remember its purport, nor did he contemplate giving any release of the action; whereas, in point of fact, he was perfectly collected at the time, and had signed the release, which would be produced in the Court, in a good bold hand, very unlike that of a person who was intoxicated.

The prisoner was defended by Messrs. Windeyer and Michie.

Mr. David Bruce Hutchinson was then called, and produced the affidavits upon the matter heard before Mr. Justice a'Beckett in Chambers, upon an order calling upon the prisoner to show cause why the judgment obtained by him against George Coppin should not be set aside. He produced in particular the affidavit on which perjury was charged, but could not recollect with any degree of certainty as to the swearing of the prisoner upon that occasion; had no doubt, however, that he must have been sworn by witness according to the usual form. it was witness's impression that Mr. Gough, clerk to Messrs. Stenhouse and Hardy, was present at the time the oath was administered, but had no distinct recollection of the circumstances, although his memory had been refreshed by subsequent conversation with the attorneys; was sure that the prisoner must have been sworn in the usual form before witness attached his own signature to the affidavit

Mr. John V. Gough, clerk to Messrs. Stenhouse and Hardy, was present when the affidavit produced was made, and saw the oath administered by Mr. Hutchinson.

George Wilkie, publican, of George-street: Knew the prisoner, who came to his (witness's) house on the 2nd of July; witness hearing that he was there, came to him, and in reply to a question of the prisoner's told the latter that he had wished to see him about the affair between himself and Mr. Coppin, that the latter was desirous of settling the matter, and that he (Mr. Wilkie) was authorised to give him a few pounds; prisoner said he also was desirous of settling the matter, as he was about to proceed up the country; witness offered him £10, which he refused, but agreed to take £13, and witness having also agreed to this, the prisoner went into an adjoining parlour and called for a glass of brandy and water, but subsequently rejected this, and drank a glass of ale instead; witness told the prisoner that he should want a receipt in full, which the latter agreed to give, and the release produced was filled up and signed by the prisoner in the presence of Mr. Andrews, witness having previously paid the money; the body of the release had been written many days before by Mr. Andrews; the prisoner was only in witness's house about a quarter of an hour or twenty minutes, and all that he had to drink was a glass of ale before the release was signed, and another when he was going away; prisoner was perfectly sober; prisoner told witness not to tell any body of what had passed until the next morning, and upon witness asking him his reason for this, he replied that he owed Sharp, the barber, some money, and he wished to go up the country without paying him. Wilkie afterwards asked prisoner to tell him the truth about the grounds of action between himself and Coppin, and the latter replied, that although there was some clothes lost there, there had not been so much lost as he had before stated, and he would never have entered the action against Coppin if Sharp, the barber, had not urged him to it; prisoner told witness that a man named Sullivan had directed him to call, and witness had really told Sullivan to tell prisoner that he wished to see him; prisoner called again the next morning, and said he was going up country, upon which occasion he had on a new suit of Parramatta cloth.

Cross-examined by Mr. Windeyer: Was quite sure that prisoner had a new suit of clothes on the second time he called; witness was the prosecutor in this case; did not mention the name of Sharp, the barber, at the Police Office, but made an allusion to him, which he thought had been understood; did not say anything about the prisoner speaking of his intention to bolt in his landlord's debt, but did say that Roberts said he had been urged to bring the action; would admit that prisoner did not speak of the action as a conspiracy to extort money from Mr. Coppin, but thought that bringing on an action without just grounds was conspiracy enough, and would swear that prisoner had said that Sharp, the barber, put him up to bringing the action in *forma pauperis*. Coppin was indebted to witness at the time; did not swear at the Police Office that this was not the case; the amount of the debt might be about £200 or £300, but the £13 paid by witness was returned to him by Coppin next day; was sure that prisoner was perfectly sober; prisoner put the brandy and water to his lips, and put it down without drinking it, and witness afterwards drank a part of it himself; the release was read over to the prisoner by Andrews, before he signed it, and prisoner had also read it over himself; witness pointed to prisoner where he was to fill up the document, and sign his name; had seen Sullivan lately, twice; did not ask him whether he had received a subpœna in this case; did not ask Sullivan as to his having been drinking with Roberts on the night in question; Sullivan asked witness to give him £5 to go up the country; promised to give Sullivan £1 for information as to where Roberts was, and subsequently gave it him; he did not offer Sullivan £3 to go out of the way until this matter was settled; never promised to obtain a good situation for Sullivan; believed it was about a fortnight before Roberts called that witness had enquired about him of Sullivan; did not merely ask Sullivan as to where the prisoner lived, but asked him about the prisoner, thinking that Sullivan might prevail upon him to come and settle.

The deposition made by the witness at the Police Office having been handed to him, he admitted that the signature was his, and Mr. Windeyer moved to have it read.

The Attorney-General opposed the reading of the deposition unless some proof was given of what the witness said at the Police Office having been properly taken down.

Mr. Windeyer, in reply, remarked that all he was desirous of doing was to put the document in, not in its character of a deposition, but merely as a written statement having the witness's signature.

His Honor thought that Mr. Windeyer was entitled to do this, and remarked that the usual course taken in such cases was to have the deposition read when the signature of the witness was proved. Scarcely a session passed in which complaints did not arise of matter deposed to at the Police Office having been omitted, and of differences between the testimony given at the trial and that given at the previous examination; and if the course hitherto pursued was departed from he should be compelled to make an order compelling every magistrate who had committed a prisoner to attend the trial.

After some further discussion, the witness was asked whether the deposition had been read over to him, to which he replied in the affirmative; but in reply to a second question, he said that not half of what he deposed to had been taken down.

Some further argument having taken place, His Honor decided that the proof of the witness's signature, and the fact of the deposition having been read over, afforded sufficient grounds for the reading of the deposition.

The deposition was then read over, from which it appeared that the witness had sworn at the Police Office that he had never asked Sullivan where the prisoner lived, being at the time aware of it himself, and that he had never sent any message to the prisoner by Sullivan.

Cross-examination resumed: Witness only told Sullivan that he wanted the action settled, with a view to his telling that to Roberts. Did not call that sending a message. Only knew where the prisoner lived by report. Prisoner had not the slightest appearance of intoxication when he came to witness's house, and was still quite sober at the time he went away, which was about seven o'clock. Would swear that the prisoner told him what he had before related, after receiving the £13.

Re-examined: Was certain that the prisoner had not been drinking when he came in; witness went to Sullivan first, to enquire if it was likely the prisoner would settle; and the deposition, which stated that Sullivan had first called upon witness, was wrongly taken down.

Mr. Hutchinson having been recalled, produced the record in the action Roberts *v.* Coppin, commenced on the 24th June, 1844, and in which judgment was signed on the 18th July; the witness also produced the Judge's order in Chambers, when the application to set aside the judgment was dismissed without costs.

By Mr. Michie: Had a special commission for taking affidavits; there were two jurats on the affidavit made by the prisoner, on the 22nd of July; the first being defective was struck through with the pen, and the second jurat was in witness's handwriting; but witness had no recollection of the circumstances, and could not remember whether the second jurat had or had not been added after the affidavit had been sworn, or how long afterwards; the affidavit was used the same day before the Judge in Chambers, and the jurat could not therefore have been long added, as without this amendment it could not have been used.

Alexander Andrews, of George-street: Was at Mr. Wilkie's on the 2nd of July, having been called on by Mr. Wilkie to witness a paper signed by the prisoner; witness read the document produced to the prisoner, and saw him sign it, and had a glass of ale at the request of the prisoner; was only in the house a short time; Roberts was perfectly able at the time to know what he was about; heard Mr. Wilkie tell the prisoner to take off himself and his money, to which he replied that he was going up the country.

By Mr. Windeyer: The body of the document produced was written by witness from a copy furnished him by Mr. Wilkie; he could not say how long this was before the time it was signed.

George Coppin: Was a publican up to a week ago, but had left the trade; knew Roberts, who called at witness's place on the 2nd of July, and expressed a wish to settle the action pending between them; witness referred him to Mr. Wilkie, and Roberts then told him that he had really settled the action with Mr. Wilkie, showing as proof of the assertion a bundle of notes which he said was the £13 he had received; Roberts then asked for a cigar, which witness gave him, and witness having told him that he had behaved like a rascal, Roberts walked out; Roberts was perfectly sober at the time.

By Mr. Michie: Remembered making an application to set aside judgment in this action; believed it was after these circumstances; made an affidavit in support of this application, but did not remember whether any of these circumstances were mentioned in this affidavit; the document produced was signed by witness. [The affidavit was then put in and read, from which it appeared that although there was an allegation of Wilkie having told witness that the action was settled, there was no mention of Roberts having called at witness's residence and acknowledged to the settlement of the action.] Could assign no reason for the non-statement in this affidavit of Roberts having called. The inference drawn by witness of the release having been given by Roberts voluntarily was drawn from Roberts's information; but he did not consider it of sufficient importance to mention Roberts's visit. It was about six months previous to this time that Roberts came to witness's, where he stopped between a week and a fortnight, at the end of which period he was put in prison. Roberts brought with him two large boxes, but witness did not know their contents. The boxes were left by Roberts in the kitchen unlocked; but witness, upon being informed of this fact by the cook, took no steps; the boxes were subsequently taken up stairs without any orders being given, and remained there till they were fetched away by Mr. Gough; could not say whether they were empty or not at this time; Roberts gave witness about £30 to take care of for him about four or five days after he came to the house, but witness had returned it all to him at different periods; all that Roberts had was entered on a slate, and they balanced accounts every morning, so that at the time Roberts was sent to gaol he had nothing to receive. Witness had been in the theatrical profession before he entered into business as a publican, and he intended to return to this profession again; was in Wilkie's debt at the time the action was pending, but had settled with him about eight or ten days since; the amount of the debt might be about £200, and was incurred for liquors supplied; never paid anything to Sullivan for washing Robert's clothes after the latter was sent to prison.

Re-examined: At the time witness made his affidavit he was not aware that Roberts intended to dispute the settlement; visited the prisoner in gaol, and got up a subscription to make him comfortable; Roberts went to gaol in consequence of his non-payment of the fine imposed, which was £10.

By the Court: Did not advise the prisoner to go to gaol rather than pay the fine.

By a Juror; Did not think that one or two glasses of ale could have much effect upon Roberts, his usual allowance before breakfast when in witness's house being two glasses of brandy and a glass of soda water.

Ellen Kenny, barmaid at Mr. Wilkie's, deposed to the fact of the defendant having called there and communicated with Mr. Wilkie; she also corroborated the evidence of the latter as to the defendant being perfectly sober, and of his calling again on the following day.

By Mr. Windeyer: Did not know what passed after Roberts went with Wilkie and Andrews, who retired into the parlour.

By the Court: Was quite sure that the defendant shewed no signs of intoxication.

John Dickinson, in the employment of Mr. Hayes, tailor, of George-street, deposed to the fact of the defendant having come to the shop of the latter, between seven and eight o'clock in the evening of the 2nd July, to purchase a suit of clothes, which he paid for with a £5 note, receiving the change. On cross-examination, the witness admitted that the defendant appeared at the time to be somewhat intoxicated.

John Armstrong, publican, deposed to the fact of the prisoner having changed a £5 note at his public-house, on the 3rd of July.

The affidavit upon which perjury was assigned having been read, and the Judge's summons, and other documents connected with the case of Roberts *v.* Coppin, having been put in and considered as read, the case for the Crown was closed.

Mr. Windeyer, on the part of the prisoner, took three legal objections to the information: the first objection was, the power given to Mr. Hutchinson, to administer an oath, being vested in him not as a clerk of the Supreme Court, but by virtue of a special commission, such commission ought to have been produced, and this being the case, the allegation contained in the information of the oath having been administered by a competent authority was not made out. The second objection was, that there was not in the information, as there ought to be, an averment of some material fact to the result of a question then pending, in which light the averment in the present case of materiality in the suit could not be regarded. The really material enquiry was whether a release had or had not been given; and this being the only question pending, it was not sufficient to say that the perjury assigned was material in the suit, the proper course being to set forth some facts necessary in this enquiry, such, for instance, as the execution of the release or the sobriety of the prisoner, and to go on by stating the evidence upon oath bearing upon the fact. The third objection was one similar to the second, with reference to the inuendoes set forth in the information upon which perjury was charged.

Mr. Michie followed on the same side, arguing in support of the objections, more especially the latter, and quoting authorities in favour of the argument.

His Honor decided that the power of Mr. Hutchinson being derived under an old statute giving to the Judges the right of appointing Commissioners to take affidavits in pending proceedings, the authority was a general one, and did not require to be substantiated by a production of the commission. He should not, therefore, reserve this point, but he should reserve both the second and third to be argued on a future occasion if it should be found necessary.

Mr. Windeyer then addressed the jury for the defence, and stated that the defendant was, as alleged in the information, a seaman, but was the brother of a respectable practitioner, and had all the usual carelessness of a seaman with regard to money. The defendant had sworn posititely that at the time he went to Coppin's he possessed a large quantity of clothing, forming in fact an excellent sea-stock, which he left in Mr. Coppin's charge, at the time that he was sent to prison. It might be seen that the defendant did not charge Coppin with stealing these goods, but having been told by Mr. Coppin that there was nothing coming to him, he naturally entered an action to recover the amount of the goods left by him in Mr. Coppin's charge, and which, belonging to one of his guests, he was bound as a publican to take charge of, instead of leaving them in his kitchen, as he had said in his evidence that day, to have their contents abstracted by any one that chose. On the enquiry which led to

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the affidavit upon which perjury was assigned, the material fact to enquire into was, whether the release alluded to was voluntarily given, and unless the Jury could believe that the statements of the defendant were wilfully and corruptly false, the information must fall to the ground, for it would not be sufficient for the present purpose to show that the defendant had made a mistaken statement, or that his assertions were contrary to fact in points not referred to in the information. So far from the allegation in the information of Roberts having sent to Wilkie to request a settlement being borne out, the evidence of the latter clearly showed that he had sent for the defendant, and it was equally clear that the defendant had not actually applied for a settlement at all, having at most, according to Wilkie's own testimony, come there to hear what offer Wilkie had to make. They had seen from the evidence that this release was signed within eight days after the commencement of the action; and having been drawn up some days before, it must have been prepared between Mr. Coppin and his friend Mr. Wilkie immediately the action had been commenced, in order that the drunken sailor might be induced to sign it whenever he should call there. It was quite probable that the defendant, although in a kind of half-witted state of intoxication, might not have exhibited sufficient outward signs of this to have attracted the attention either of Mr. Andrews or the female witness, neither of whom had much opportunity of observing him; and it was clear that he must either be intoxicated or mad, to have given up for the paltry sum of £13 a claim for upwards of £100. He (Mr. Windeyer) should be able to establish the fact of intoxication, and the additional fact that the articles left at Mr. Coppin's were really of this value; and he doubted not that sufficient would be shown to call upon the Jury to acquit the defendant. The learned gentleman then commented upon the evidence which had been adduced on the part of the Crown, and concluded by calling

Charles Sullivan, who stated that at the time the defendant came to Coppin's house he (witness) was living there. The defendant had with him two large trunks, filled with wearing apparel of first-rate description; seven dozen of shirts, &c., were given to witness to be washed by his wife, and there was a great quantity of articles left which were not dirty, besides the coats, boots, and other wearing apparel, the value of the whole must have been about £60. Roberts had a £100 Bank of England note cashed on the Tuesday before he went to gaol, and of this he gave £30 odd to Mr. Coppin. The defendant's clothes when he went to gaol were partly in Coppin's kitchen, and partly at witness's house, but those which witness had in his charge were given over to Coppin when witness was about to leave his service, Coppin having ordered witness to do so; Coppin paid witness at this time for the washing of the articles given up. This was a month after Roberts had been sent to prison. Mr. Wilkie came before the 2nd of July to witness's residence, and having treated him to drink, Wilkie asked him what he knew relative to the affair between Roberts and Coppin—witness told him; he then requested him to look for Roberts and request him to come down to his (Wilkie's) place, in order to settle the matter, adding, that if Roberts would not do so, he (Wilkie) would give witness £3 to keep out of the way. On the evening of the 2nd of July, Roberts came to witness's house, and half a pint of rum having been sent for, Roberts drank half of it; they then went to Toogood's, and defendant and witness drank another half pint of rum in that house, when witness left him, having heard him say he was going home; witness saw Wilkie on last Monday week, when the latter asked him if he had received a subpœna, and some conversation having taken place about the defendant's drinking on the night in question, Wilkie said that it must have been after defendant was at his (Wilkie's) place. Wilkie told witness when he first came not to mind the lawyers, and promised to get witness and his wife a situation.

By the Attorney-General: Believed that only £60 was got for the £100 Bank of England note changed by the defendant; the latter paid Mr. Sparkes, of the Royal Hotel, £17 odd as soon as he obtained it, and £5 more was paid to somebody else. Roberts paid for the last half pint of rum with a shilling that he had procured from a woman named Donelly, and witness paid for the first; was sure as to the day alluded to being the 2nd of July. Witness and the defendant each drank half a pint of rum that evening—one gill each at witness's house, and a like quantity at Toogood's. Witness next saw the defendant some day's afterwards, when he said that he had got some money from Mr. Wilkie, adding that he was beastly drunk when he received it. After seeing Mr. Wilkie, witness and Roberts went to Stenhouse and Hardy's, and stated what had passed, when those gentlemen advised him not to go near Wilkie at all, nor to make any such settlement as the latter proposed.

Re-examined: Witness's attention had been called to the date shortly after the occurrences of which he had spoken, and was quite certain of its being on the 2nd of July that those occurrences took place; witness has changed his residence twice since that time, and did not receive his subpœna to attend the present trial until yesterday morning.

It being then six o'clock, and the case being likely to last for some time, the Court adjourned till Wednesday.

Wednesday.

Before the same.

The case having been resumed,

George Wilkie was recalled at the request of one of the jurymen, and repeated his former statement, that as soon as he got the release he took it to Coppin; that was about seven o'clock, and Coppin told witness that Roberts had just left.

Mr. Windeyer having objected to this evidence as inadmissable and irregular, it was not pressed.

In reply to questions from the Chief Justice, the witness said that the release was signed a little before seven o'clock, and about ten minutes or a quarter of an hour afterwards he took it to Coppin, who gave it to his wife; did not see Roberts.

By a Juror: The iron gate of the Theatre was being opened as witness went into Coppin's door.

By Mr. Windeyer: Witness had authority from Coppin to settle the matter about eight or ten days before he instructed Andrews to draw the release, and it was at least ten days or a fortnight before the second of July that witness called in Sullivan; the second of July was on a Tuesday.

George Coppin recalled and examined by the Court: It was rather before seven o'clock than afterwards, on Tuesday, the 2nd of July, that Roberts called at witness's house and got a cigar; saw Wilkie that evening, but could not say the exact time, should say that it was above an hour and a-half or two hours afterwards; witness did not think he saw the release that evening; did not recollect when he first saw it, but it must have been within a few days afterwards, and witness could not say whether he went to Wilkie's for it or whether it was sent to him.

By a Juror: In the winter season the Theatre doors are opened at half-past six o'clock.

By the Court: Could not say whether the gates were open when Wilkie came; could not swear but that Wilkie might have come in within half an hour after Roberts went, it was certainly not within ten minutes, and witness did not think it was so soon even as half an hour; had a perfect recollection however of Wilkie coming that evening, and of conversing with him; on asking Wilkie whether the matter was settled, the latter replied in the affirmative, and said it was a good job or something of the kind; as soon as witness got the release he took it to his attorney, Mr. Gaskill, who wrote to Stenhouse and Hardy about it. It was at all events on the same day of receiving the release that witness took it to Mr. Gaskill.

A letter from Mr. Gaskill, dated the 4th of July, having been proved by Mr. Gough, was read, from which it appeared that the release had that day been handed to him by Mr. Coppin.

Mr. Gough being cross-examined by the Attorney-General, stated that the letter was received at the office of Messrs. Stenhouse and Hardy on the 6th July. Witness endeavoured to see the release, but did not see it until in Chambers. Did not see Roberts until the 20th, being unable to find him. Roberts and Sullivan were in the office either on the day the release was signed or the day before, when they stated that Wilkie had been offering money to Sullivan in order to get the matter settled, and witness particularly cautioned them not to go near him. When witness spoke to Roberts about this circumstance in order to receive instructions for the affidavit, the latter said that he had a faint recollection of signing some document when he was at Wilkie's very drunk, that he had been previously drinking with Sullivan, and that although he did not recollect receiving any money he must have had some, as he had two or three pounds next morning.

Mary Sullivan, wife of Charles Sullivan, corroborated the evidence of the latter, as to the fact of Roberts having sent seven dozen of clothes to her of very fine quality for the purpose of washing; she also gave similar testimony as to Roberts calling at her residence on the evening in question at a little after six, and as to his having drank the rum, received the shilling from Mrs. Donelly, and left before seven o'clock.

By the Attorney-General; Witness fetched half-a-pint of rum, and her husband and Roberts drank it between them; was sure it was on the 2nd of July, and thought it was on a Tuesday, because she was washing, and Tuesday was her usual washing day; Roberts had not been there the day before; had not seen him afterwards; could not say whether it was on the 1st or the 2nd that this occurred, but was sure as to the hour in the evening, having looked at a clock.

Ann Macdonald, bar-maid at Toogood's public-house: Remembered Roberts and Sullivan drinking at that public-house on a Tuesday; it was about ten minutes past seven when they came, and each had a gill of rum; could not say whether they were sober or drunk, but thought the prisoner was not sober, as he spoke quite silly.

By the Attorney-General: The prisoner did not speak to witness at all; knew the hour from the fact of Mr. Sullivan having been there a little before seven for half a pint of rum; it was about three weeks or a month afterwards that Wilkie inquired of witness about the circumstance of Sullivan and Roberts having been at Toogood's; could not remember anythi g that Roberts had said, but remembered that he spoke silly: Roberts paid for the rum with a shilling, and asked Sullivan if he would have any more liquor.

Humphrey Jones, tailor: Knew the prisoner, and had known his family for some years; prisoner was the son of a clergyman; about five o'clock on the evening of the 2nd July witness saw the prisoner, and at his request lent him two shillings.

By the Attorney-General: The next time witness saw Roberts he had on a suit of tweed; Roberts did not appear at the time to be intoxicated; said he wanted the 2s. to pay a young man who was lodging with him.

Re-examined: Witness had been in the habit of making an allowance to the prisoner for paying his board and lodging money out of respect to his family.

John Smithers, schoolmaster: Was in Mr. Hayes's shop on some evening at the commencement of July, when the prisoner came in to purchase a suit of clothes; prisoner had been evidently drinking, but did not seem intoxicated; he appeared however to have been just recovering from a debauch, and from his general conduct and conversation witness thought he was scarcely sane at the time. Roberts walked steadily, and appeared more like an insane person than one who was intoxicated.

The affidavit of Coppin was then read, as was also the judgment for £92 10s., making up the amount with costs to £117 odd.

This closed the case for the defence.

The Attorney-General then addressed the Jury in reply. He was not there he said to defend the conduct of Coppin towards the prisoner, and he would therefore say nothing in justification of that man's proceedings in this particular, or in refutation of the attacks upon Wilkie, but this had nothing at all to do with the present case. The hour at which the prisoner was drinking at Toogood's was not fixed with certainty by any body but the witness Macdonald, and it was quite consistent with her testimony that the prisoner might have been before with Mr. Wilkie, as described by that witness. The prisoner having drank the rum at Sullivan's, and a glass of ale at Mr. Wilkie's, the effect of this was quite sufficient to account for the condition in which, according to the evidence both of Smithers and Dickinson, he subsequently was. The circumstance of his having changed a £5 note the next day, at Mr. Armstrong's, was sufficient to show that he had actually received the money, and must himself have been aware of its amount—and the very fact of his having kept aloof from his attorneys, after having signed the release, coupled with his request to Wilkie to keep the matter secret, was a sufficient proof of a guilty knowledge of what he had been about. There could be no reason to impugn the testimony either of Mr. Andrews or of Wilkie's bar-maid, and both these witnesses swore most positively that the prisoner was perfectly sober.

His Honor in addressing the Jury said, that whether the prisoner was guilty of perjury or not, he had certainly acted most disreputably, but the minds of the Jury must not be prejudiced by this, any more than by the remarks of the Attorney-General, in which he (the Chief Justice) entirely concurred, that Coppin and Wilkie had acted very improperly. There could be little doubt that the property of the prisoner had been lost, although its value was not so clearly shown; and the action having been commenced, there could be no doubt that a release, or some other document intended to operate as such, was obtained from the prisoner very shortly after this period; but whether it had been properly or surreptitiously obtained was a fact for the Jury to determine. The whole question for the Jury to consider was, whether the prisoner at the time he made the affidavit set forth in the information was fully conscious of having been in his sober senses when he made the settlement with Wilkie; or whether he was really prevented by his drunkenness at the time from subsequently remembering it. He would not trouble the Jury with any technical points, but would direct them that the two facts for their determination were—first, whether the prisoner had really sworn to that which was false; and secondly, whether at the time of so swearing he knew in his heart of this falsehood. The prisoner, it would be seen, said nothing in his affidavit of having drank at Sullivan's and Toogood's, but said that his intoxication was brought about by a mixture of liquors actually given to him by Wilkie, and which the latter most positively denied. It might be, however, that this was false, without being wilfully so, and unless the latter was the case, he could not be guilty of wilful and corrupt perjury. The prisoner had also said that he had no recollection of what money he had received, but whether by this he merely meant that he could not state the exact sum, or whether he meant that he could form no idea at all of the amount, he (the Chief Justice) could not say, although if the latter was his meaning, it was clear from the fact of his changing two five pound notes afterwards, that he must have known he had received at least £10. Of the inuendoes in the information, he was bound to tell the Jury there had been no evidence of the prisoner having sent to Wilkie, of his having asked the latter for a settlement of the action, or of there having been anything like a conspiracy to extort money from Mr. Coppin. He should not therefore leave either of these points to the Jury, and as no conspiracy had been spoken of, it would be absurd to say that when such expressions were used the prisoner was not intoxicated: this, therefore must be left out of consideration; but the Jury would have to consider the questions of intoxication and of time; the latter of which was most material: for if the prisoner had been actually drinking in the manner described, before he went to Wilkie's, it was most reasonable to suppose that what he took there would have made him very drunk. He (the Chief Justice) happened to be the Judge before whom this case was heard in Chambers, and he thought, both then and now, that the fact of Coppin having requested his brother publican to settle this matter instead of settling it himself or getting his attorney to do so, was very strange, and taken in connexion with Wilkie's pecuniary interest in Coppin's affairs, and their knowledge of the prisoner's drunken and dissipated habits, was certainly most scandalous and improper. He would not say that there had been a dishonest contrivance, but there certainly had been some contrivance, for when the prisoner called at Wilkie's the instrument which he was to sign was ready, cut and dried, having been prepared long before, and wanting nothing but his signature. His Honor then read over the notes of the evidence, and commented briefly upon the various points arising out of the testimony of the several witnesses.

The Jury having retired for about ten minutes, found a verdict of not guilty.

The prisoner was then discharged.

CHARGE OF REVOLT.

George Scott, *William Morris*, and *Benjamin Williams*, were indicted under various counts, as seamen belonging to the whaler *Juno*, of this port, for revolting and attempting to revolt.

Mr. Therry and Mr. Windeyer—attorney, Mr. Dillon, for the prosecution. Mr. Darvall—attorney, Mr. J. R. Brenan, for the defence.

The prisoners were acquitted and discharged.

Court adjourned at a quarter to nine to ten A.M. this day.

Insolvency Business.

Wednesday.

Before the Chief Justice and Mr. Justice Dickinson.

CONFIRMATION OF A PLAN OF DISTRIBUTION.

The Chief Commissioner moved that a plan of distribution, shewing a dividend of 1s. in the pound, in the estate of E. D. O'Reilly be confirmed. In answer to a question by the Chief Justice, the Chief Commissioner stated that the plan had lain in his office the prescribed time, and no caveat had been lodged against it. The plan was then confirmed.

ALLOWANCE OF A CERTIFICATE APPROVED.

The Chief Commissioner moved that the certificate allowed by him to Henry Burns on Thursday, the 10th instant, be approved of, as the insolvent had complied with the rules of the Court, and was unopposed. Motion granted.

The Chief Justice stated that as he was engaged in a trial with a jury at the New Court House it would be impossible for him to take any of the other business on the paper, but as none of it appeared to be of an urgent nature no injury would be done by its standing over till next Wednesday. The Court then adjourned.

DOMESTIC INTELLIGENCE.

INSOLVENCY PROCEEDINGS.

Wednesday.

Before the Chief Commissioner.

PROOF OF CLAIMS.

In the estate of John Smith, a special meeting: M. M. Cohen, £28; John Darcy, £19 19s. 6d.

In the estate of Philip Stallard, a special meeting was called, but no claims were proved, and the meeting was adjourned till ten to-day.

The Chief Commissioner will sit at twelve (noon) to-day to hear applications for certificates by the following insolvents:—George Rogerson, John Lindi Jones, Robert Broad, John Smith, Henry J. Bate, James M'Beth, Joseph Faris, R. D. Cunninghame, and Archibald Lamont.

Meeting for to-morrow.—Stephen Coxen, a third meeting, at half-past ten.

Mr. Justice Dickinson.—His Honor sat in the Court House, King-street, yesterday, and disposed of such Chamber Business as was brought before him.

LAND SALE.

A sale of Crown Land will take place this day, at eleven o'clock, at the Colonial Treasury. The following is an abstract of the sale:—

TOWN LOTS.

Parramatta.—1. 30½ perches, allotment No. 3 of section 32. Upset price £25 per acre.

Bathurst.—2. 1 acre and 24 perches, allotment No. 1 of section 49. 3. 1 acre and 22 perches, allotment No. 2 of section 49. 4—7. 1 acre and 6 perches each, allotments Nos. 3—6 of section 49. 8—11. 2 roods each, allotments Nos. 1—4 of section 26. Upset price £8 per acre.

Wilton.—12. 2 roods, allotment No. 10 of section 1. Upset price £8 per acre.

Newcastle.—13—16. 36 perches each, Nos. 220—223. Upset price £50 per acre.

Braidwood.—17—20. 2 roods each, allotments Nos. 16—18 of section 5. Upset price £8 per acre.

Mudgee.—21—24. 2 roods each, allotments Nos. 4—7 of section 12. Upset price £8 per acre.

St. Leonard's.—25—31. 2 roods each, Nos. 15 and 16 of section 5, and Nos. 10—13 of section 10. Upset price £50 per acre.

OCCUPATION LICENSES.

At eleven o'clock this day, the Colonial Treasurer will put up to auction, at the Colonial Treasury, in Sydney, the licenses to occupy, under the Regulations of 21st August, 1841, the following portions of land, for one year, from the 1st November, 1844. The upset price of each lot is £5 per section of 640 acres:—

King.—1. 900 acres, at Kenya. 2. 700 acres, same place. 3. 700 acres, at Boroowa Plains, about six miles south-west of Brial. 4. 1150 acres, same place. 5. 640 acres, near the Narrawa Mountain, about 2½ miles from the confluence of the Narrawa and Lachlan Rivers. 6. 640 acres, near Bramah.

Northumberland.—7—10. 640 acres each, near Tuggerah Beach Lakes. 11. 640 acres, at Reid's Mistake, Lake Macquarie.

Westmoreland.—12. 700 acres, at Burragorang, near Black Bob's Creek.

Phillip.—13, 14. 640 acres each, at Nullo, near the head of Cox Creek, Nullo Mountain. 15. 640 acres, near Cooyal. 16. 640 acres, near the head of the Pyramil River.

St. Vincent.—17. 640 acres, near Narriga.

Camden.—18. 900 acres, at Bullio. 19. 900 acres, near Berrima, about three miles west of Berrima. 20. 900 acres, at Black Bob's Creek, near the Wingecarribee River.

Bathurst.—21. 920 acres, at Milburn Creek.

Wellington.—22. 640 acres, near Burrendong.

Gloucester.—23. 640 acres, near the Manning River.

Durham.—24. 640 acres, parish of Althorpe.

Military Appointments.—His Grace the Duke of Wellington, Commander-in-Chief, has approved of the appointment of Captain E. M. O'Connell, 99th Regiment, to be Major of Brigade in New South Wales, vice Brevet Major Hunter, 28th Regiment. The Lieut.-General Commanding the Forces has made the following appointments, viz.:—Lieutenant W. B. J. O'Connell, 73rd Regiment, to be Assistant Military Secretary, vice Captain M. C. O'Connell resigned, and Ensign C. O'Connell, 51st Light Infantry, to be Aide-de-Camp to His Excellency.

Another Seizure.—Yesterday afternoon the Chief Inspector of Distilleries, and Mr. M'Gregor, seized a private distillery in an uninhabited house in Sheriff's Gardens, Brisbane-street. The still was about fifty gallons contents, and with the head and worm was made of tin. There were five hogsheads nearly full of wash ready for distillation, and a quantity of charcoal.

Effects of the Weather.—The heavy storm of wind and rain which has continued for the past two days, has tested thoroughly the water-proof qualities and strength of the Sydney houses, and from the complaints upon the subject which we hear on all sides there appears to be but few of them that have fairly withstood the trial in the first particular. There has been some deficiency also in point of stability, for about ten o'clock yesterday morning the gable end of Mr. Armstrong's public-house, opposite the Woolloomooloo Court House, having been unable to resist the urgent applications of the wind and the insinuating effects of the moister element, which sapped away the adhering power of its bricks and mortar, was completely overthrown, to the great inconvenience and alarm for a time not only of Mr. Armstrong himself, but of his numerous guests from the opposite side of the road. No time, however, was lost in getting the eatables and drinkables, and all the rest of the paraphernalia, removed to a neighbouring house, and before the usual time of adjournment for lunch every thing was restored to order.

Great Destruction of Property.—We regret to learn that a considerable quantity of property was destroyed at the Glenmore Distillery on Tuesday afternoon by the heavy fall of rain. The principal embankment of the upper dam, which is on an elevation above the roofs of the distillery and the adjoining building, gave way with a tremendous crash, burying and carrying away the buildings and stores that interrupted it; fortunately the workmen were in another part of the building at the time, and no loss of life ensued, although one man was carried away by the torrent, and was with difficulty rescued. Mr. Fisher's loss, we hear, will be upwards of £1500.

The order to withdraw Mr. Cohen's advertisement, relative to the lease, growing crops, &c., at Mount Vernon, came too late to be attended to. The sale is postponed to Friday October 25.

ORIGINAL CORRESPONDENCE.

To the Editors of the Sydney Morning Herald.

Gentlemen,—As your strictures, in this day's *Herald*, on the result of the Education debate in the Legislative Council, demand a reply, I trust that in fairness you will insert the following.

The most prominent point which you raise is, that the question was carried by a majority of one! Now, as at first sight some impression may be made upon the uncalculating reader by this fact, which you decorate with a sneer, those who look closely at the matter will see the fallacy of the conclusion to which your premises would lead; as, if we only take the trouble of analysing the division, it will be seen that amongst the *elected* members, by whom the opinions of the community at large ought to be represented, eleven were in favour of Mr. Wentworth's amendment, and seven only against it, thus leaving a *popular* majority of four.

Your next argument, founded on the number of *names* to the counter petitions, is equally specious with the first; for, when we recollect the extensive and active instrumentality which the Church of England has at hand, and can employ on all occasions affecting her interests, and the number of her zealous agents in almost every quarter of the colony, it is not to be wondered at that in a race for signatures, the supporters of the general system, who had no such aid to work with, should be outstripped; and if we only enter into a review of what the majority of names to the petitions got up by its opponents consist, we shall find four-fifths composed of marksmen, a number of names written by the same hand, or those of women and children, which can scarcely be taken as a fair demonstration of public opinion.

Notwithstanding the prophecy with which your article concludes, I have sanguine hopes that the new system, if honestly carried out, will prosper, and I do not even despair of seeing those who have been strongest in their opposition, yet ranking amongst its warmest advocates.

I am, Gentlemen,
Your obedient servant,
An Admirer of the General System.

14th October, 1844.

ENGLISH EXTRACTS.

"A JACK OF ALL TRADES."

Court of Bankruptcy, May 22.—In re Francis Banner.

This meeting was for the choice of assignees to the bankrupt's estate, who had carried on business as a provision merchant and commission agent, in Upper Thames-street.

At the commencement of this day's proceedings, a proof was tendered by Mr. Thomas Flight, of Bond-court, Walbrook, for £240, which was objected to by Mr. Sturgeon, on behalf of the petitioning creditor, who subjected Mr. Flight to a long examination, and in the course of which Mr. Flight stated that the proof was thus made up—a bill of exchange for £150, another for £82 10s., and law costs £8. He had charged at the rate of about £40 per cent. for the discount of the £150. bill. He held another bill for £70, but did not seek to prove upon that, as he held some shares in a patent India-rubber company as security for that amount. He had also obtained a warrant of attorney as collateral security, and which he put in force a few days ago, but the fiat dispossessed him of the benefit of it. He had no other securities upon this transaction.

Mr. Sturgeon: Pray, Mr. Flight, did you oblige the bankrupt to insure his life before you would discount for him?—Certainly I did.

For what amount?—£1000.

In what office?—In my own office.

In your own office?—Yes.

But I want to know in what company?—In no company, but in my own office.

What, was you then acting as director, actuary, secretary, and all?—Yes, I was; I was Jack of all trades. (Laughter.)

Oh, indeed; then what was your paid-up capital?—There was no paid-up capital, but the whole of my property was liable.

Now, will you be kind enough to inform the Court what premium you charged upon the insurance of this £1000;—£82 10s. per annum.

And is this sum part of the debt which you now seek to prove?—Yes, it is, but this policy was given as security for former transactions.

Mr. Commissioner Fane: Now answer me my question—when did you begin your dealings with Banner?

Mr. Flight: I began with him about a year or a year and a half ago, and have had during that period about ten or twelve money transactions with him, and usually charged 40 per cent. The £82 10s. was the annual premium upon £1000.

Mr. Commissioner Fane: I will never permit proof of this extremely doubtful complexion to be admitted without investigation. I do not mean to say that it is not a legal transaction; but certain I am, that 40 per cent. for discount is a monstrous charge, although it may be legal, and it appears to me to be so monstrous that I shall adjourn the proof until it has been investigated by the assignees.

Mr. Cox, who attended as solicitor for Mr. Flight, prayed an adjournment of the choice of assignees until the proof was investigated, the petitioning creditor's debt for £50 being the only one that had been proved in the course of the day.

Mr. Commissioner Fane: I will not adjourn the choice, for if Mr. Flight could influence the choice of assignees, he would be in a position to stop all enquiry.

Mr. Walter, of Lombard-street, gentleman, was then chosen assignee, and accepted the trust.

The Lawyer's Likeness.—A country attorney, with more cash than character, got his portrait painted, and placed it in his parlour. His country clients were called in on market days, by Mrs. Latitat, to give their opinions of the artist's handiwork: and the chorus of approbation would have been unanimous, had it not been for one critical farmer. This dissenting curmudgeon, after allowing every body to exhaust their praises, bluntly broke in as follows:—"No! taint like! no! not it! taint!" All were upon him. "Not like!" they exclaimed: "how not like? Say where 'taint' not like?" "Why don't you see," said the man, he's got his hand in his breeches pocket? It would be as like again if he had his hand in any other body's pocket!" The family portrait was removed.

The *Journal des Débats* states that smuggling is now so completely organized in Spain, that there was a regular pitched battle between 300 smugglers and a party of mounted custom-house officers. The officers were defeated, leaving 20 killed and 10 wounded. The smugglers had but two of their party wounded, and three horses killed.

The Marquesas.—The *Constitutionnel* says: "We at last begin to receive some intelligence relative to the position of our countrymen at the Marquesas Islands. It has been brought by the *Danaé*, now arrived about a week at Brest. The accounts are unfavourable. For fifteen months no person had received pay, and the want of clothes, linen, and shoes, was generally felt, without there being any means of procuring a supply. It was in general difficult to procure provisions; no fresh meat could be got but pork, and of other resources there being none, it was found necessary to have recourse to the provisions on board. The *Danaé* was to have brought home part of the troops forming the garrison, but the order had not arrived when she left."

Yeast.—The yeast prepared by the Hungarians will keep for a twelvemonth. During the summer season they boil a certain quantity of wheaten bran and hops in water. The decoction is not long in fermenting, and when this has taken place they throw in a sufficient quantity of bran to form the whole into a thick paste, which they work into balls which are afterwards dried in a slow heat. When wanted for use, they are broken, and boiling water is poured upon them. Having stood a proper time it is decanted, and is in a fit state for leavening bread. The Romans prepared their yeast much in the same way, taking wine in a state of fermentation, and working up a given quantum of the flour of millet with it; the paste thus procured was made into balls and dried. Sometimes the yeast, the leavened dough, or even the dough itself, will become acid in the summer, and acidulate the bread; this may be remedied by throwing a few finge sful of carbonate of magnesia, into the yeast or paste. We are told by some chemists, that flour-kneaded with water which has been saturated with carbonic acid, may be used in making bread, without applying any fermentatious matter. Others of the fraternity deny that such a process is effectual.—*Foreign Literary Gazette.*

ABSTRACT OF SALES BY AUCTION.

We insert for the information of the public an abstract of all the public sales which take place

THIS DAY.

Mr. Fawcett.—At his Rooms, at half-past 10 o'clock, Woollen Cloths, Cassimeres, Drills, Shawls, Tablecloths, and Soft Goods in variety; at 1 o'clock, at No. 119, Elizabeth-street, Household Furniture and Effects, Horse and Gig, &c.

Mr. Blackman.—At his Rooms, at 12 o'clock, 130 Acres of Land in the district of Cook, and 67 Acres on the Western Road.

Mr. Heydon.—At his Rooms, at 7 P.M., Books, Pictures, &c.

Mr. Mort.—At his Rooms, at 11 o'clock, Stationery, Vinegar, Wines, Blacking, &c.

The Sheriff.—At the London Tavern, at noon, Land at Bulanaming, near Sydney, and seven Houses at Chippendale.

COUNTRY SALE.

Mr. Seymour.—At the Government Cottage, Windsor, October 26, Horse Stock, Milking Cattle, Farm Stock, Agricultural Implements. Household Furniture, &c.

FOR MELBOURNE DIRECT.

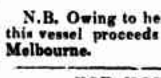
IN consequence of the inclement state of the weather, the sailing of the brig *CHRISTINA*, for Melbourne, has been postponed until Sunday next.

For freight or passage, having superior accommodations, apply to W. H. Saunders, Commander, at the Flour Company's Wharf, or to

A. B. SMITH, AND CO.,
Sussex-street.

N.B. Owing to her light draught of water, this vessel proceeds direct to the Wharf, at Melbourne. 5196

FOR HOBART TOWN,
(A Regular Trader.)



THE fine fast-sailing packet brig *LOUISA*, A1, 182 tons register, J. C. Tucker, commander. This vessel is now hourly expected, and will meet with her usual dispatch. Her accommodations for cabin and steerage passeng[illegible]rst-rate; *the provisions and wine* [illegible] *of* [illegible] *quality.* For freight or pas[illegible] to [illegible] to

JOHN MACNAMARA,
Hobart Town Packet Office,
5197 Queen-street.

FOR PASSENGERS ONLY.
TO ADELAIDE, SOUTH AUSTRALIA.

THE PACKET BRIG *DORSET*, Walsh, master, will positively sail on Sunday, 20th instant. For passage apply to the captain, on board, or to

V. SOLOMON,
5184 South Australian Packet Office.

ELECTORS OF PHILLIP WARD.

A REPORT being prevalent, through an electioneering move of my opponents, injurious to my character as a tradesman, I beg to inform the Electors of the Ward that the reports are totally unfounded.

5209 GEORGE WILKIE.

NOTICE.

WILLIAM BEADMAN, formerly of Bramston, in the county of Rutland and of Great Glenn, in Leicestershire, in England, farmer, who left England for Western Australia, in the year 1829.

It is requested that any person having any knowledge of, or who has been lately in communication with, or can give any information concerning, the above individual, will communicate on the subject with

G. COOPER TURNER,
Crown Proctor.
218, Elizabeth-street, Sydney. 5190

TURTLE! TURTLE!! TURTLE!!!

MR. BLYTH begs to inform his Friends and the Public that the GREEN TURTLE he killed on Monday last has turned out beyond his most sanguine expectations, and from its extraordinary size and PRIME CONDITION, he will be enabled to have a supply up to Monday or Tuesday next, warranted of the most exquisite description.

To prevent disappointment, Mr. Blyth suggests the necessity of forwarding all orders as soon as possible.

293, Pitt-street. 5206

MANILA CIGARS.

THOSE much esteemed No. 4 Superior Cigars ex *Alfred*.

ALSO,

A very beautiful sample, just landing, ex *Cheerful*.

N.B.—The above are the *choicest* samples of No. 4 Cigars in the colony, and can be had, *wholesale and retail*, only of

DIXSON, TOBACCONIST,
540, George-street,
5193 Opposite Jamison-street.

FOR SALE,

TEN half-tierces TOBACCO, Barrett's twist

Ten kegs colonial tobacco, best quality.

CHARLES BEILBY,
5189 476, George-street.

ON SALE, at the Stores of the undersigned:—

Drills, ducks
Hessians, hollands
Sheetings, Osnaburgs
Hats, Manila and Java
Gloves (colours) cotton
Balzorine dresses
Cheese cloth
Umbrellas
Linens

SMITH AND CAMPBELL.
Campbell's Wharf. 5192

MANGANESE.

FOR SALE, about twenty tons Manganese, ex *Coolangatta*. Apply to

JOHN GIBLETT,
5210 292, Pitt-street.

TO BUILDERS AND OTHERS.

A FEW THOUSAND SUPERIOR SHINGLES, and the largest assortment of Cedar in the City, at Stewart's Cheap Cedar Yard, corner of Pitt and Bathurst streets. 5204

M'LEAY'S best Fresh Butter, sold at Mr. Walker's, in the Market, at one shilling and four-pence per lb. 5186

DRAPERY.

SETTLERS, Country Storekeepers, and the public in general, will do well to purchase from the Stock of

BEACH AND GLEESON.

B and G. beg to inform the public, that they have lately opened an extensive assortment of—

Bleached and unbleached calicoes
Dressed and undressed hollands
Welsh and English flannels
Table linen and towelling
Merinos, prints, and mousselines de laine
Stout navy blue prints
Boys' clothing
Hosiery, gloves, and hats
Shawls and parasols.

The greater bulk of this stock has been marked at half-price, from which no abatement will be made, and for cash only.

Observe—

BEACH AND GLEESON,
338, George-street,
5202 Opposite the Old Burial Ground.

WELL-DIRECTED ECONOMY.

THE marked and steady preference which HAYES'S TAILORING ESTABLISHMENT has received from a discriminating public during its six years' existence, can only, in candour, be attributed to one cause—namely, *the substantial advantages it has uniformly given to its customers, in cheapness and superiority of goods.* H. Hayes, while he frankly admits that his prices for some articles are nominally two or three shillings higher than those of certain establishments that so clamorously put forth their pretensions to public patronage, would still observe, that *abstract lowness of price is not necessarily cheapness*—and that, under every rational consideration, his establishment is still by far the most worthy the support of all who wish to pursue a wise, practical, and well-directed economy with regard to their "Tailor's Bills."

A suit of Clothes made to order, and MADE WELL, in eight hours.

	£	s.
Superfine Dress Coats, the best that can be made	3	10
Colonial Tweed, ditto ditto ditto ..	1	10

And all other articles in the Trade proportionably cheap.

Colonial Ready-made Clothing of a superior order, *(no where else in Sydney to be met with). The attention of up-country gentlemen is invited to this.*

Address—H. HAYES,
Tailor, &c.,
416, George-street,
5208 5 doors north of the Royal Hotel

CASH BOOK LOST, on Tuesday last, between the Court House, Woolloomooloo, and George-street. Any person finding it will please leave it at the *Herald* Office, where they will be rewarded for their trouble (if required). 5207

WANTED, a Partner in the Brewing business; capital required, from £100 to £150. Address, post-paid, to Mr. G. Bonnor, Brewer, Bathurst. 5194

WANTED, a female, of good character as a general house servant. Apply at the Normal Institution, Hyde Park. 5185

WANTED, a Situation as Coachman; respectable references can be given. Apply to E. T., at the *Herald* Office. 5191

SALES BY AUCTION.

Printing Paper, Foolscap, Post, School-Slates, Braces, Vinegar, Warren's Blacking, Wine, &c.

THIS DAY, 17th OCTOBER,

MR. MORT will sell by public auction, at his Rooms, George-street, on THIS DAY, 17th OCTOBER, At eleven o'clock,

Thirty reams Printing Paper, 28 lbs.
Thirty " " 32 "
Thirty " " 37 "
Twenty " 24 x 33 36 "
Twenty " 24 x 36 40 "
Twenty " 26 x 40 50 "
Forty reams Grocers' paper
Twenty reams Foolscap
Twenty-five reams superfine blue wove Post
One case School-slates
One case Sealing-wax, Cumberland Lead Pencils, Quills, &c.
One hundred dozen cotton-web Braces
Four dozen Shovels
Twenty casks London Brown Vinegar
Twenty casks Warren's Blacking, assorted sizes
Fifteen cases Candied Oranges
Twenty cases Port Wine, each 3 dozen.

Terms at Sale. 5205

LINEN TICK, DIAPER, &c.

MR. R. FAWCETT will sell by public auction, at his Commercial Sale Rooms, 481, George-street, THIS DAY, At half-past ten o'clock precisely,

One bale linen tick, assorted widths and qualities
One bale linen diaper, huckaback, &c.

Terms at sale. 5199

KING-STREET LITERARY SALE.

J. K. HEYDON will sell by auction, at his Mart, 78, King-street, THIS EVENING, At seven o'clock,

A miscellaneous assortment of Books, among which are the following—

Hogarth's Works, fine line engravings, the best edition in the colony
The Life and Works of Byron, 17 vols.
Fisher's Illustrations of Scotland and the Waverley Novels, 2 vols.
Rhine, Italy, and Greece, morocco
Mudford's Life of Fenelon, 2 vols. calf
Cavendish, 3 vols.
Pacha of many Tales, 3 vols.
Peter Pilgrim, 2 vols.
Solomon Seesaw, illustrated by Phiz, 3 vols.
Eve Effingham, 3 vols.
Monk of Benevento, 2 vols.
Mrs. Mabeily, 3 vols.
The Doomed One, 3 vols.
Young Muscovite, 3 vols.
Don Esteban, 3 vols.
Sectarian, 3 vols.
Richmond, 3 vols.
History of Columbus
Margaret Ravenscroft, 3 vols.
Lady Eureka, 3 vols.
Maunder's Biography, &c.

AND

A lot of Pictures and Sundries. 5200

DERWENT POTATOES, CHEESE, BLANKETS, &c.

MR. G. SMITH will sell by auction, at the Rooms, 459, George-street, on FRIDAY, the 18th INSTANT, at eleven o'clock,

Two tons Derwent potatoes
One hundred colonial cheeses
One hundred and seven blankets
One trunk ladies' clogs
One trunk pattens
One case jams
Ten cases pale sherry
Pie dishes, lamp globes, &c.

Terms, cash. 5195

USEFUL AND ORNAMENTAL SALE.

W. H. CHAPMAN will sell by auction, at the City Sale Rooms, 514, George-street, on FRIDAY, 18th OCTOBER, At eleven o'clock precisely,

Before the sale of City Property at 12 o'clock,

Fowling pieces, carbines
Bankers', spice, and cash boxes
Writing desks and work boxes, various sorts
Hall, pedestal, and reading lamps
Jewel case, plated bread basket, and muffin plate
China watch stand and shade, tea urn
Finger glasses, and a variety of other goods
Six dozen sheepshears. 5211

POSTPONED,

(Owing to the unfavourable state of the weather.)

HOUSEHOLD FURNITURE.

MR. R. FAWCETT is instructed to sell by auction, THIS DAY, 17th OCTOBER, at one o'clock precisely, on the premises, 119, Elizabeth-street South, next Dr. Bennett's,

The whole of the household furniture, consisting of horsehair sofas, pianoforte, sideboards, cheffoniers, loo, dining and bed room tables, horsehair and cane seated chairs, Brussels and Kidderminster carpets, hearth rugs, fenders, fire irons, chest drawers, beds, bedsteads and bedroom furniture, glassware, window furniture, kitchen utensils, &c.

AFTER WHICH,

A stanhope and harness, nearly new.

Terms, cash. 5198

THE CATTLE SALE IS POSTPONED,

IN CONSEQUENCE OF THE WEATHER,

TO TUESDAY, THE 22ND OCTOBER, 1844.

THE FATTEST CATTLE,

TUESDAY, OCT. 22, AT BY MR. STUBBS, AT TWELVE.

IRELAND'S, PARRAMATTA ROAD.

MR. STUBBS

WILL PUT UP TO AUCTION, WITHOUT RESERVE,

In lots to suit every class of buyers,

At Ireland's, (the Cross Roads,) just out of Sydney,

On TUESDAY NEXT, 22ND OCTOBER, at Twelve o'clock precisely,

(IN LOTS OF FIVE OR TEN,)

100 HEAD of superior AGED BULLOCKS, and a number of EXCELLENT DAIRY COWS.

The above lot of cattle are recommended by the proprietor, and stated by competent judges the *best* that have been offered for sale for many a day.

☞ A word (under deference)

To the Wholesale and Retail Butchers of Sydney.

At a time when the public are paying 1½d. and 2d. a pound for beef, it is but fair that the grazier, whenever he brings to market a fat, heavy, prime meated beast, should have a remunerating price for it; for it will ever prevent good beef coming to market (and do irreparable injury to the colony besides) if men sit in their saddles and bid with their whip-handles for them as stock put up "*to be* fattened," instead of animals, "*being fattened*," to kill. In fact, there will be no such thing soon as "roast beef" to be had; it will all be melted into London farthing rushlights unless the Sydney buyers are more reasonable towards the settler.

Terms at sale. 5187

UNLESS previously disposed of, will be sold by AUCTION, on the 15th November, 1844,

200 HEAD of very SUPERIOR CATTLE, viz.,

50 Cows
50 Heifers
50 Bullocks, three to four years old
50 Steers, rising two years

Calves under six months given in.

19 Brood Mares
9 Geldings
1 Entire Horse, Whisker
1 " " Ajax

30 Head of HORSES

The whole of the above Cattle and Horses are worthy the attention of all classes of buyers. Now depasturing at Bolaroo Plains, on the banks of the Murrumbidgee, where they will be delivered.

JOHN G. COHEN,
Auctioneer, &c.
365, George-street,
Opposite the Market Place. 5203

IN THE SUPREME COURT.

Sheriff's Office, Sydney, October 12, 1844

Duguid v. Cooper.

Same v. same.

ON THURSDAY, the 17th instant, at noon, at the London Tavern, Sydney, the Sheriff will cause to be sold, all the right, title, interest, and estate, of the above defendant, in and to "All that parcel of Land, containing by admeasurement six acres, three roods, and twenty perches, more or less, situate at Bulanaming, near Sydney, aforesaid, bounded on the north-west by a road leading from Sydney to Cook's River; on the south-east by property of Mr. James Cobb, deceased; on the north-east by the road to New Town, and on the south-west by the land of the late Thomas Bodenham, deceased. And also, all that piece or parcel of Land, containing by admeasurement four acres, three roods, and twenty-five perches, more or less, situate at Bulanaming aforesaid, bounded on the north by other property of the said Joseph Walford, commencing at the main road from Sydney to Cook's River, being a line of fence bearing east nine degrees south eleven chains fifteen links; on the east by a line of fence bearing south six degrees, thirty-five minutes west four chains twenty-seven links; on the south by a line of fence bearing west nine degrees north twelve chains fifty-four links to the main road, and on the west by the said main road, four chains forty-two links to the commencing point, together, &c.

Also, all the right, title, interest, and estate of the above defendant, in and to seven Houses at Chippendale, unless these executions are previously satisfied.

CORNELIUS PROUT,
5072 Under Sheriff.

IN THE SUPREME COURT.

Sheriff's Office, Sydney, 16th October, 1844.

Rodd v. Davis.

ON TUESDAY, the 22nd instant, at noon, at the London Tavern, Sydney, the Sheriff will cause to be sold, all the right, title, interest, and estate of the above defendant in and to 1280 acres of land situate at Jerry's Plains, and known by the name of Mary-Ville; also, 400 acres at the Wollombi, known as Glanmire, with the improvements thereon; also, 60 acres at Wollombi, near Ellalong, bounded on the east corner by Pendergrass's grant; unless this execution is previously satisfied.

CORNELIUS PROUT,
5188 Under Sheriff.

THE IMPORTED HORSE
"SUFFOLK HERO,"

WILL STAND THIS SEASON, at Mr. James Greenfield's, Queen's Arms Inn, Cowpastures, and will travel to and from the following places:—Cobbarty, Oakes, and Redbank. "Suffolk Hero" is a beautiful chestnut horse, coming eight years old, seventeen hands high, short in the leg and full of bone.

Pedigree.—Sire, Mr. Martin's "Ruler;" "Ruler" by Mr. Dunn's "Boxer;" "Boxer" by Mr. Howlett's "Farmer's Glory." Dam, a superior cart mare, the property of Mr. Morgan, of Baylham Hall, by Mr. Morgan's horse, of Nutsham.

"Suffolk Hero" has covered for the last three years in the Windsor and Penrith Districts, and has proved himself a sure foal getter, where his stock, now rising three years old, may be seen.

Mares sent to the horse at the proprietor's residence will be provided with well watered secure paddocks, but no risk incurred.

Terms:—Single mare, £1 10s.; two mares, £1 5s. each, groomage included; three or more mares, £1 each, and 2s. 6d. groomage. All mares served to be paid for on or before the 1st of January, 1845, to the proprietor, Mr. James Greenfield, Queen's Arms Inn, Cowpastures.

N.B. Persons sending mares to the proprietor's residence will not be charged for their run in the paddocks. 5201

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http://nla.gov.au/nla.news-page1520002

CANADIAN GOVERNMENT.

HOUSE OF COMMONS, MAY 30.

On Lord Stanley moving the order of the day for bringing up the report of the committee of supply on colonial estimates,

Mr. Roebuck rose, pursuant to notice, to bring the state of the government of Canada under the consideration of the house. The honorable member began by animadverting on the empty state of the house on the discussion of so important a subject. His object in bringing forward this motion was to warn the noble lord opposite (Lord Stanley) of the abuses prevailing in those colonies, and in doing so he could assure the noble lord that he was animated by no personal feeling or spirit of hostility towards the government of which he was a member. The house was well aware of the circumstances which led to the present situation of affairs in Canada. In spite of the warnings uttered by many who had paid attention to the condition of that part of the British possessions, government had passed a law for the union of the two provinces, with the full belief, no doubt, that they were consulting the best interests of the colony. The warning he then gave had now been verified. It was not a question of grace, but of principle. It was a question of government from abroad or a government at home, and he had cautioned the house not to exasperate the people of Canada, and that their only chance was to conciliate them by good feelings and kindness. The hon. and learned gentleman then referred to the state of Canada, at the time of the union of the provinces, and to the sending out of Mr. Poulett Thomson, afterwards Lord Sydenham, as Governor-General. He had no hesitation in saying, that in regulating the divisions of the province, for the purpose of electing representatives, fraud had been practised—in the case of the city of Montreal, the whole of the French population had been excluded by making that part of the city where they resided, the suburbs. In fact the most unfair steps were resorted to in order to get that sort of constituency that was desired. If there was any hon. member who had a respect for the memory of the late noble lord, let him get up and deny the charge if he dared. He had documents to prove the fact, that the House of Representatives, or that part of the representation which it was intended to favour, had declared it to be a fraud. But not content with introducing fraud, the noble lord had introduced violence and corruption into the elections; and after an investigation had taken place, the real majority was found to be where it ought to have been—in the advocates and representatives of liberal opinions. After the death of the noble lord, Sir C. Bagot was appointed Governor-General, who declared that he would govern by a ministry responsible to the colonists, and selected his Executive Council accordingly. It was sometimes said, that the intervening power of the home government prevented any complete responsibility of the Canadian ministry to the Canadian people. That might be true upon imperial questions, but not upon questions merely Canadian, that is, merely internal. The Canadian people welcomed the policy of Sir C. Bagot: it was a touching thing to see how a whole population forgot all they had suffered, and poured forth their feelings of grateful adherence. Sir C. Bagot died, and Sir C. Metcalfe was then sent out as Governor. He declined to take the same view which his predecessor, Sir C. Bagot, had taken of the government of that country. He said that the government which had been chosen by Sir C. Bagot was, to use his own expression, "an antagonism," but from that hour to this he had never explained exactly what he meant by such an observation. He said that he intended to govern on the principles of a responsible government, but what he meant he had never taken the trouble to explain. He wanted to know if the noble lord's (Lord Stanley's) opinion was that Sir C. Bagot had taken a wrong view in the course he had pursued under a responsible government; he was anxious that the noble lord should expressly declare in the face of the House of Commons what he really intended to express by the words "responsible government," so that the people of Canada might know what they were to expect from any person appointed by him. He was not to be met by the noble lord saying that the Governor was responsible for his acts to the home administration. He would ask what was the safest way of governing that country? He would ask if this were not the proper time to interfere in this matter, when they considered that the country in question was inevitably travelling towards self-government? Sir C. Metcalfe came into power with certain prepossessions, and he still continued to be influenced by them. When the appointment came about for the speaker of the Upper House of Legislature, that appointment was made without consulting the wishes or opinions of the local administration. For the first time, in the streets of Kingston, this appointment of Speaker of the Upper House was offered to one of the bitterest political opponents of the then administration. He would ask did they mean to pursue such a policy? Sir C. Metcalfe said that he did mean to pursue that course; that he would not consult with the local government in matters of that description—that he would act as he pleased; or, to use his own words, that "he would not violate his duty by surrendering the prerogatives of the Crown." The ministers then said, "If that is your view, all we can say is this—we beg to resign our respective offices;" and they accordingly did resign, and Sir C. Metcalfe accepted of their resignations, and from that time to the present the country had been without an administration. The Receiver-General has resigned, the Chief Commissioner of Crown Lands has resigned, the Attorney-General has resigned, the Solicitor-General has resigned. All these had belonged to Upper Canada. In Lower Canada the Attorney-General has resigned, and the Inspector-General of Accounts has resigned. There was a Governor, but nothing else in the shape of an administration. There was nominally a President of the Council, who was certainly a person for whom he entertained the highest respect; he was a gentleman who had suffered most bitterly under the preceding administration, and he was turned out without the slightest explanation. This gentleman had, however, taken no oath at all, and was therefore not to be considered as President of the Council. Mr. Daly was in office; he stuck to office still, and there he was. Messrs. Daly and Draper were the only two that might be supposed to form members of the ministry, but not one of them was responsible. At this moment the Receiver-General did not exist, but his office was performed by his chief clerk, who gave no securities, but nevertheless acted as Receiver-General. Why did he think it necessary to bring these facts under the notice of the noble lord opposite? Simply to show by irrefragable proof that Sir C. Metcalfe had utterly failed to form an administration. Parliament, at the end of the year, must of necessity cease to exist. Fresh elections would then be resorted to, and the majority would then be found to be much larger against the Government than it was at present. They had by their recent measure united the democrats of Upper Canada with the liberals of Lower Canada, and they had thus made a united parliament so powerful that they could never again hope to succeed in sowing dissension amongst them. They had therefore no hope for any change save by the adoption of one of two things, which, however painful the alternative, they must encounter. They must yield either to the desires of the people, or proceed upon the principle of governing by bayonets. Sir C. Metcalfe was at present the sole government of that country. He wanted to know whether that was a condition that could give confidence to the public mind? What did the people of Canada demand? Simply this—that you would allow them to govern themselves in all that related to their internal polity. Allow them this, and you would keep them your friends—deny them this, and you made them the firm supporters of a democratic republican government; you added to the chances, fearfully added to them, of a separation from this country and a union with the United States of America. Hold out the hand of friendship to the Canadas, and do not turn to the bitterness of gall those feelings which now overflowed with kindness towards this country.

Lord Stanley had hoped that the statement of the honorable and learned member would have been followed by some specific motion on which the sense of the house might have been expressed. Sir Charles Metcalfe had been absolutely called on by his Executive Council to bind himself, in writing, to submit to them the whole patronage of the Crown; and this demand, never before made by a constitutional minister, had been properly resisted. The theory of the constitution required, that while the minister advising the Crown in making appointments should consult the feelings and the convenience of the Sovereign, the Crown should also defer to those higher public consid[illegible] by which a responsible minister may be actuated; and in this country, while the Sovereign was surrounded by all the hereditary associations of the peerage and of property, the minister required the confidence, not merely of the Crown, but of the popular branch of the Legislature. But the object sought in Canada was to subject the entire administrative functions of government to the representative body, fluctuating in its composition, and representing mainly one class—that of the humblest in its society. This was a theory of "responsible government" incompatible with monarchy. Lord John Russell, in a despatch, had very ably and forcibly pointed out the danger and inconvenience which might arise from collision between the advice tendered by the Canadian Executive Council and that of the advisers of the Crown at home, and which, supposing the executive were to be paramount, would put an end at once to all constitutional responsibility; but coupling this opinion with a declaration, that it was the wish of the home government that Canada should be governed on large and liberal principles, without deference to, or patronage of, any particular party. The honourable and learned gentleman had asked him whether he entirely concurred in the view taken by Sir C. Bagot of what was responsible government, and he asked him to define explicitly in what sense he understood the words. He (Lord Stanley) had no hesitation in doing so. By responsible government he understood that the government of the colony should be carried on by the Governor-General by means of heads of departments, who must enjoy the confidence of the colonial legislature; they must be responsible to the Governor for the advice they gave him, and also responsible to the assembly for the measures which the Governor proposed upon their recommendation; and they must be responsible for the proper conduct of those measures through the assembly. If the notions of the hon. and learned gentlemen were to be carried into effect, the Governor-General would be reduced to be the mere machine of the Executive Council. He did not so understood the words "responsible government," and he fully approved of the discretion of Sir Charles Metcalfe in refusing to allow himself to be so controlled. Even in doing so Sir Charles Metcalfe had laid down, in the most emphatic form, his strict adherence to the principle of responsible government as laid down in the despatch of the noble lord, and of the resolution of the House of Assembly of 1841. The Governor-General was responsible to the Imperial Government alone; and for what was he responsible? If the notions of the honorable and learned member for Bath were correct, it would leave the Governor-General responsible for nothing; he would be reduced to be the mere instrument of the Council—a body who would be nominated by the party dominant for the time; yet, being so, he was to be the only party who was responsible to the imperial authority at home. Now, to his mind, that was a perfect absurdity; if the Governor-General was without power, how could he be responsible? of course the Governor-General could not be responsible for the legislative proceedings of the Canadian legislature; but he would be fully justified in withholding his assent to measures which he did not like. For what was the Governor-General to be responsible to the home government, if he was not to be held responsible for the proper distribution of the rewards and honours which it was in the power of the Crown to bestow? Those powers the late Executive Council wished to withhold from the Governor-General; and with regard to one of them, they claimed to have a renunciation of it in their favour under the hand of his Excellency. He (Lord Stanley) considered it unfortunate that the Governor-General had held a consultation of five or six hours with the council after their resignation. After hearing of that fact, he wrote approving of the course which Sir Charles Metcalfe had taken in accepting the resignation of the council, but regretting that Sir Charles had not required the reasons for the resignation to be stated in writing. Only two days after that despatch was sent off he received information which proved that his view of the matter was the right one, because the Governor-General was obliged to give a denial to the statement of those reasons which was made in the assembly, and that contradiction had remained without an answer. In May the Governor-General had reason to anticipate that some demands would be made upon him, and he wrote thus:—"I am required to give myself up entirely to the council; to submit absolutely to their discretion; to have no judgment of my own; to bestow the patronage of the Government exclusively on their partisans; to proscribe their opponents, and to make some public and unequivocal declaration of my adhesion to these conditions, involving the complete nullification of her Majesty's Government." Therefore it appeared that, so early as the month of May, not only was this principle as to the distribution of the patronage of the Crown pressed on the Governor-General, but he was required to make a public declaration of this adoption of it. On the 26th December, the Governor-General wrote again in these words:—"The facts of the case are, that I scarcely ever heard of a vacancy except by a nomination from them for a succession; that I rarely made an appointment otherwise than on their recommendation; and that I do not recollect a single instance in which I made an appointment without being previously made acquainted with their sentiments regarding it. I certainly did not consider myself absolutely bound to consult them regarding every appointment, nor to surrender my judgment to their party views; and when a demand was made that I should fetter her Majesty's Government, I decidedly refused. But, practically, they had more than they pretended to desire, and not only had the means of expressing their opinion on every appointment about to be made, but had actually most appointments given away on their recommendation. Were I endeavouring to account to your Lordship for my exercise of patronage, I should be much more fearful of being found guilty of too much consideration for the Council, than of too rigid a maintenance of the prerogative of the Crown." And here he would, with regard to the patronage of the Crown in Canada, beg of the House not to run [illegible] that the Govern[illegible] ship God, [illegible] whatever to do with it. It was [illegible] his own patronage of the Crown in the North American colonies had been vested in the governors; and he could declare that he, as Secretary of State for the Colonies, had not at his disposal £150 worth of patronage in Canada. Every appointment was made by the Governors, and from among the residents of the colonies; and he could declare most solemnly, that since he had had the honour of holding the seals of the Colonial Office, he had neither by instruction, recommendation, hint, nor suggestion, interfered directly or indirectly with any appointment which had been made, or which had not been made, in those colonies. The patronage of the Crown was vested in the Governors, and for their exercise of it they were responsible to the government of this country. Would the honorable and learned gentleman tell him that the distribution of the patronage of the Crown might be safely and wisely entrusted to the impartiality and discrimination of the leaders of a dominant party? He doubted whether it was any advantage to any small community, and more especially to a colony, that its political patronage should be dispensed merely for the purpose of subserving political purposes. To the doctrine of responsible government in the matter of patronage, Sir Charles Metcalfe was not only prepared to assent, but had long since assented. But the honorable and learned gentleman said that Sir C. Metcalfe was unfitted by education for the government of a free country. If the honorable and learned gentleman meant that Sir C. Metcalfe entertained the extreme opinions of despotic government, that he was unpractised in public business, that he had no discretion, and he was of a stern and repulsive manner, and that he was willing to be the instrument of a government that would be inclined to crush free institutions—those who knew Sir C. Metcalfe would not concur with him, for they knew that he was not a supporter of the present government—that he was of extremely liberal views—that he was practised in public business—that he had passed, with success and credit, a long portion of his career in two opposite portions of the empire—that he was the introducer into India of the liberty of the Press—that he was a man of the most affable and unassuming manners in conversation, and of the most princely liberality in matters of a pecuniary nature, and that he was selected by the late administration to preside at Jamaica for the purpose of dealing with the legislative body of that island, which, at that moment, was in such a state of hostility to the Government, that an attempt was made to do away with it altogether; and yet he, not by hostility to free institutions, not by resistance to the demands of a popular assembly, but by a wise, judicious, and conciliatory policy—in the course of two years brought the island into the state of harmony and contentment in which it had continued since. Yet this was the man who, the hon. and learned gentleman said—and he was the only man who would use the expression—had been unfortunately brought up for the management of the affairs of a free country. He felt that he owed an apology to the House for having trespassed so long on their attention, but he felt it necessary to trespass still further, in order not to leave any of the hon. and learned gentleman's statements unanswered. The hon. and learned gentleman said that Sir C. Metcalfe had not explained what he meant by responsible government. He (Lord Stanley) must say that of all the charges made by the hon. and learned gentleman that was the one to which he had listened with the most astonishment. Had the hon. and learned gentleman ever read the answer of Sir C. Metcalfe to the address from the town council of Gore? [The noble lord here read a long extract from the document to which he referred, and which was to the following purport:—"With reference to my views of responsible Government, I do not know how far I can state them without knowing your meaning more clearly. If you meant that the Government is to have no exercise of its own judgment in the administration of affairs, but is to be a mere tool in the hands of the Council, I totally disagree from you. That is a condition to which I can never submit, and which the Government could never sanction If you mean that every word and deed of the Governor should be submitted to the consideration of the Council—that is utterly inconsistent with the despatch of public business. If you mean that patronage is to be surrendered to exclusively party purposes, instead of being applied to the reward of meritorious men, and to promote the efficiency of the public service, we are again at issue. Such a surrender of the prerogatives of the Crown is, in my opinion, incompatible with the existence of a British colony. But if you mean that the Government should be administered according to the well understood wishes and interests of the people—that the resolutions of September, 1841, should be faithfully adhered to—that it should be competent to the Council to offer advice on all occasions, whether as to patronage or otherwise—that the governor should consult with his advisers in all cases of adequate importance—that the Council should be responsible to the provincial Parliament,—I entirely agree with you, and I see no difficulty in carrying on government on that footing, if the parties engaged be guided by moderation and common sense, and free from the influence of party spirit. You have the essentials of responsible government. Keep them; cling to them; do not lose them by grasping at impossibilities, lest you lose the substance by catching at a shadow. You desire to maintain union with the British empire. Do not imagine this object can be promoted by opposing the Home Government,—by reducing their authority to a nullity."] These were the views entertained by Sir C. Metcalfe on the subject of responsible government. The hon. and learned gentleman did not object to any of Sir Charles Metcalfe's appointments on the ground of the unfitness of the parties, or even on the ground of the appointment being prejudical to the party interests of his advisers in the council. Nor did he object to any act of his, except that he (Sir S. C. Metcalfe) had reserved for the consideration of the Crown an act which caused a great excitement in Canada. It was directed against the Orange party. He had no sympathy with the Orange lodges, for he thought that the advantages derivable from their tried loyalty and devotion to the Crown were more than counterbalanced by the religious animosities which they engendered. He therefore had no sympathy with Orange lodges in Canada, or elsewhere. But what was the conduct of the Canadian legislature? The Executive Council pressed Sir C. Metcalfe to take, by virtue of the Royal prerogative, steps which would have the effect of proscribing the Orange party. Sir C. Metcalfe, knowing that among the party there was a body of loyal and faithful subjects to the Crown, refused to take any such measure, and said that if anything was to be done he should prefer its being done by an act of the legislature, rather than by the authority of the executive. During the progress of the measure thereupon introduced, Sir C. Metcalfe repeatedly declared that its provisions were oppressive and unconstitutional, and such as he had the strongest objection to. Sir C. Metcalfe, in pursuance of the instructions which he had received, reserved that bill for the Queen's pleasure, in order that the government at home might exercise its judgment. That was the single act of all Sir C. Metcalfe's, whether executive, administrative, or legislative, which the hon. and learned gentleman attempted to condemn. He had a confident belief that acting on sound and moderate views of reconciling the independence of the colonial legislature of Canada with the authority and prerogative of the Crown, Sir C. Metcalfe would, at no distant period, obtain the confidence of the people of that country. He (Lord Stanley) did under-rate the importance of the Canadian colonies to this country. He did not look on them as a source of our strength in war—on the contrary, he thought it possible they might be the point of our weakness. It could give us little support in an European war, while in case of a war with the United States, which might God forbid, Canada was our most vulnerable point. In a military point of view Canada had little strength. Indirectly it undoubtedly contributed to form a nursery for our seamen. Commercially it was also of great importance, as giving us that great inlet and outlet of commerce, the mighty river St. Lawrence, one of the first water communications in existence. Neither commercially nor politically did he deny its great importance to this country. But if the connexion between Canada and this country were important to the mother country, he asked the honorable and learned gentleman himself, whether in his judgment that connexion were not infinitely more important to the population of Canada? (hear, hear.) What were the advantages which the Canadians enjoyed from their connection with this country? They enjoyed as free a government, and he would venture to say the lightest taxation of any people in the world. They had perfect religious liberty. They had also, at no cost to them elves, the military and navy protection of the mightiest power in the globe. They had annually an immense expenditure of capital in support of their commissariat and other establishments. They had also been enabled in the last year, while the United States were unable to obtain money at six per cent., to borrow, for the improvement of their internal communication, no less than a million and a half of money at interest a little more than 3½ per cent. (Hear, hear.) In addition to all these advantages—and it was no slight or inconsiderable addition—it had the privilege of admission for its produce into this country on the most favoured terms, and thereby easy access to the best market in the world. These were the advantages Canada possessed from its connexion with this country. These, too, were the advantages which Canada must be prepared to sacrifice, should a separation unfortunately take place between it and this country. It was for Canada, therefore, well to consider whether the price she had to pay, in slight and all but nominal subordination to this country, was too high a price to pay for the protection, advantages, and substantial benefits of a connexion with England. Canada must not expect, as the honorable and learned gentleman seemed to think she had a right to expect, to obtain at once the unlimited and entire independence of a separate republic, and at the same time the advantages which she derived from British connexion and British commerce (hear, hear). He believed the people of Canada were cordially attached to this country. He believed also that when they seriously considered the course into which unprincipled demagogues and rash adventurers would lead them, they would recoil from such violent and interested advisers, and revert to the liberal, politic, and honest views of the Governor-General of Canada, and to the protection of this country. He did believe that by the exercise of sound sense and sound discretion, Canada, if she did not follow such mischievous and interested advisers, might long maintain the advantages which she possessed, and her connexion with, rather than her subordination to, this country, in the capacity of a thriving and happy colony of the British empire (loud cheers).

Mr. Hume said that, so far as his knowledge went, the statements of the honorable and learned member for Bath were perfectly correct. Sir C. Bagot gave the Canadians self-government, but under Sir C. Metcalfe a responsible House of Assembly had felt it their duty to resign. He asked, therefore, what was the nature of responsible government? It appeared to be one thing in Canada, and another thing in England (hear, hear, from Lord Stanley). Then it was for the Government to explain what they meant by responsible government. He the more deplored the events that had taken place, because, if there were one man in the British empire whom he would have expected to concilate the people of Canadia, it was Sir C. Metcalfe (hear, hear). His previous conduct in the West Indies, and elsewhere, had led him (Mr. Hume) to think his appointment a most fortunate one; and no doubt it would have been so if he had not been trammelled by the noble lord.

Lord Stanley.—I beg your pardon. I assure you that is not correct.

Mr. Hume continued.—He feared it must be so, for he had a high opinion of Sir C. Metcalfe, but he had not that high opinion of the noble lord. (Laughter.) It was a delusion for the noble lord to expect that responsible government could be carried out in such a way. He deeply deplored the course which government had chosen to adopt. This course would never produce peace or contentment. The only course which could effect such an object was a course of proper concession and conciliation.

Mr. C. Buller, peculiarly and personally interested as he was in the particular question involved, expressed his opinion that the principle of responsible and representative government, which, in concurrence with the late Lord Durham, he had shared in recommending for adoption, had never failed whenever it had been fully and honestly carried out. Resisting all encroachments on this principle, whether proceeding from the Crown or the popular party, he could not see that Sir Charles Metcalfe had done anything in violation of it. On this point, he entered into explanations, and adduced the case of Lord Falkland, who, in Nova Scotia, had pursued a course similar to that of Sir Charles Metcalfe, without encountering similar difficulties His firm conviction was, that the error in the Canadian case lay, not with the Governor-General, but with the Executive Council which had quarrelled with him, and as Lord Stanley had intimated his warm and cordial support of Sir Charles Metcalfe, in working out the whole practice of representative government, he hoped that the people of Canada would see the impolicy of maintaining the dispute on untenable grounds, and that the result would ultimately be favourable to British connexion and Canadian tranquility.

Lord J. Russell defended the memory of Lord Sydenham, whose premature decease was caused by his anxious devotion to the duties of his government. It appeared to him that Sir Charles Metcalfe was right in his contest with the Executive Council, and drew hope from the circumstance that the individuals who had resigned were receding from their extreme ground, and alleging that their sole cause of resignation arose from a feeling that general confidence was denied them. The notion that Canada could become an independent republic was a mere delusion; and the disadvantages which she must sustain from an absorption into the United States must be obvious to her people.

Mr. Trelawney said, as he understood, a distinct promise was made of responsible legislative government; and in carrying that into effect, he thought the government ought to be responsible to the majority of the House of Assembly.

After a few words from Mr. Roebuck, in explanation,

Sir R. Peel rose and said, his noble friend had stated so fully, and with so much ability, the general views of her Majesty's Government, with reference to these unfortunate disputes in Canada, that he felt it to be wholly unnecessary, as far as the Government was concerned, to add anything to that statement, in every word of which he believed the Government entirely concurred. But it was for the satisfaction of his own feelings that he could not allow this debate to close without expressing the sentiments which he entertained with respect to that distinguished officer, to whom, at a period of great difficulty, the administration of affairs in Canada was entrusted (hear, hear.) For his part he did not think the Government could have given a stronger or greater practical proof of the principles upon which they desired the Government of Canada to be conducted, than by the selection they had made of Sir C. Metcalfe (hear). He believed he was stating what was exactly the truth when he said that not one single member of her Majesty's present government was personally acquainted with Sir Charles Metcalfe—he doubted, indeed, whether any one of them had ever seen him until the period when the government of Canada was offered to him. He was not connected with them either by political or personal ties; and they disregarded all political claims in their desire to make an appointment to Canada which should be an intimation to the people of that colony of the principles on which their government was to be carried on. They selected a man who had been a most distinguished civil officer of the East India Company. They selected a man who had been in the administration of the affairs of a popular government in Jamaica, and who in that situation had achieved great honour by the moderation and firmness with which he had acted. That was the man to whom the government of Canada was entrusted. And when he (Sir R. Peel) looked back and considered the general tenor of the reports which had been that night alluded to—when he also glanced at the views Sir Charles Metcalfe took of the conduct of all who were concerned in the rebellion—the uniform tenor of his recommendations—his desire to bury in oblivion everything that had passed—his desire that there should be, as far as possible, a complete pacification, and a complete indulgence, as far as was consistent with the administration of the first principles of justice, he must own he was surprised that a more favourable construction of the motives and conduct of Sir Charles Metcalfe had not been formed. (Hear, hear.) It appeared to him that Sir Charles Metcalfe had been completely in the right in this respect, and that he was entitled to the entire confidence of Her Majesty's government, and to the fullest support that the government could afford. (Hear, hear.) As to the proposal that he should bind himself to act upon the recommendations of the Executive Council, whether that promise was to be conveyed in writing or by a tacit understanding, he (Sir R. Peel) thought his Excellency would have submitted to a humiliation if he had consented to give that pledge. There was not a doubt about it, that the first principle of the English constitution was, that the Sovereign should be governed as to the making of appointments by the advice of the minister of that Sovereign; but it was quite a different thing whether, in adopting that advice of the minister, the Sovereign should contract an obligation to that minister, under all circumstances to act upon his advice. The Sovereign who did not contract that obligation would make himself the mere slave and instrument of that minister, and not the master. But independent of humiliation—waving altogether the consideration of the question, whether or no that engagement was demanded by the Executive Council from Sir Charles Metcalfe, he thought Sir Charles Metcalfe was perfectly in the right in substance, in declining to enter into that engagement. He (Sir R. Peel) did not think there was any analogy in the position of a Governor and his Council and the position of the Sovereign and his Ministers. The Governor was bound, and he admitted the distinction which had been drawn by the honourable and learned member for Bath—he thought the Governor of Canada would be unwise who did not in all local matters consult the feelings and opinions of his Council (hear, hear); but then he would say this, that, with respect to all these questions of patronage, he thought that Government in England or in Canada would be mad that sought for the possession of patronage or power excepting for the benefit of the community. But, in his opinion, the position of an executive council towards a governor was perfectly distinct from the relation of a minister towards his sovereign. The very fact of a governor standing in a double relation as it were, responsible to his sovereign at the same time that it was his duty to defer to the colonial legislature, at once established that distinction. But there was another ground on which, in the case of a colony, a distinction existed. He thought it was for the interest of the governed that the governor should refuse to place himself under the entire control of the executive council, and that it was impossible to govern Canada on the same principles on which this country was governed. The greater the population and the more regular the constitution, the [illegible] was the country governed by [illegible] But in a small community [illegible] not think that party could exist with any advantage. It was possible that there might be a government connected with the ruling power; and supposing that there was a party possessed of a majority in the House of Assembly, and held the reins of power, he viewed with intolerance the minority, and exhibited a disposition to tyrannise over the government, he was not certain if in that case the governor ought to be bound to adopt the recommendations of the ruling power in Canada He thought the governor would have a perfect right to say, if an appointment were suggested to him by his responsible government that was offensive or unjust, as in the case he (Sir R. Peel) had supposed, towards the French Canadian party, "I owe a duty to my Sovereign. I am the governor of the whole population in this country. I must exercise a judgment myself whether that particular appointment be right or not. I think it will be offensive to a considerable party, though that party is a minority of those whom I am sent here to protect." In that case he thought the Governor would be quite justified in rejecting the advice of the Executive Council; and it was because the population was small, and that political asperities and animosities were greater in proportion to the limited amount of population, that he thought it good reason why a governor representing the Sovereign of England, and bound to administer justice to all, ought to refuse to enter into any such engagement as that which Sir Charles Metcalfe had refused (hear, hear). Reference had to-night been made to promises to the Canadian people; but but he (Sir R. Peel) was sure that his noble friend had not shown, in the spirit in which he had acted, any disposition to with hold from the people of Canada the fulfilment of every engagement which was given them either at the time of the union of the two provinces, or which had been manifested by the general disposition of parliament since. He was perfectly satisfied, as he had always said, that our connexion with Canada must depend on its being continued with perfect good will and cordiality. Unless they could act with the cordial affections of the majority of the people of Canada the connexion could not be otherwise than a source of discontent. It would be infinitely better that the connexion should be discontinued than that it should be maintained merely by force, and against the wishes and feelings of the people. (Hear, hear.) In the present instance there had been a tolerably unanimous desire manifested to support that most able and distinguished man, who, under the pressure of severe suffering (hear) and of ill health, was now discharging his duty as governor of that colony; and he trusted that nothing had passed in the course of the debate which could operate as an inducement to the people of Canada to show any ill feeling or dissatisfaction. He believed that there was a firm determination on the part of Sir Charles Metcalfe—he was sure that there was on the part of the legislature of this country—that the Government of Canada should be a just one, and that no power or patronage would be asked for except that which was believed to be essential to the good Government of Canada, and which would enable them to maintain the connexion between the two countries. There appeared to be an impression on the part of some in that house that the majority of the people of Canada were adverse to the views of Sir Charles Metcalfe. He much doubted whether this was the case. As far as could be collected from the public addresses which had been presented to Sir C. Metcalfe it appeared probable that the ultimate result of that temper, that discretion, and that judgment mixed with firmness which he had shown, would be to conciliate the goodwill of the majority of the people of Canada. He had great confidence that such would be the case. He held in his hand a list of 93 public addresses which had been presented to Sir C. Metcalfe, and of these 90 were in favour of his policy. (Hear.) He trusted, therefore, that the people of Canada, after the present excitement had subsided, would be able to appreciate the motives which had influenced Sir C. Metcalfe in his government of their country, and would become convinced that it would be a most difficult matter for any Government to find a successor to him (hear). If every word which he had written since he had assumed the office of Governor were made known to the people of Canada, it would only show that his sincere desire was to promote their interest, and to conduct the Government on the principles best calculated to ensure their prosperity, and to maintain the connexion between Canada and this country (hear).

The report of supply was then brought up and agreed to.

"SHIPPING GAZETTE."

PUBLISHED EVERY SATURDAY AFTERNOON.

MERCHANTS and others wil find it to their advantage to advertise in the above publication, the circulation of which is very much increased. Advertising charges same as *Morning Herald*.

SALES BY AUCTION.

GEORGE-STREET, REDFERN.

MONDAY, OCTOBER 21,] [BY MR. STUBBS.

TWO HOUSES,

Situated in the most beautiful spot and finest aspect of this estate.

MR. STUBBS will sell by public auction, at the Mart, King-street, on

MONDAY, 21ST OCTOBER, 1844,

At Twelve o'clock.

THE ABOVE HOUSES.

These two houses are brick-built, on a stone foundation, and as independent a little bit of freehold as a man can buy. It ought to be recollected that these tenements are in George-street—the line continued from the Brickfield Hill—and consequently must be recognised as in the

MAIN STREET OF THE METROPOLIS.

Terms at sale. 5069

SALE ON FRIDAY, 18TH OCTOBER. } { BY MR. STUBBS, AT 12.

POSTPONED FROM A FORMER DAY.

POSITIVE SALE OF THREE HOUSES

TO TAKE PLACE ON THE GROUND,

At 12 o'clock,

IN WENTWORTH-STREET, MILLER'S POINT.

MR. STUBBS has received positive instructions to sell the above FREEHOLD PROPERTY.

On FRIDAY NEXT 18th OCTOBER, On the Ground, and at the above hour precisely.

This valuable possession is situated west of Wentworth-street, and go at the low rental of £30 per annum, in weekly payments.

They are thus described:

44 feet of street frontage by 25 feet in depth, more or less, with back yard and offices, about 40 feet in depth.

The foundation is 18 inch stone work, and the upper part brick, stuccoed with Roman cement. There are two rooms on the ground floor, kitchen and cellar underneath, and two rooms on the first floor; the back of the yard being protected by an 18 inch wall.

A plan of the property (to be seen at the Mart) clearly points out the remarkable position this property is placed in. The NEW CUT from George-street, when completed, must treble the rentals of all houses on this leading street, from the Royal Oak Inn, near Miller's Point, to Darling Harbour.

Terms made known at sale. 5100

PORTION OF THE BRIGHTON ESTATE,

12 ACRES, BY MR. STUBBS, } ON THE LIVERPOOL ROAD, { MONDAY, 21ST OCTOBER

NEAR THE ANGEL INN.

MR. STUBBS will sell by public auction, at the Mart,

ON MONDAY, 21ST OCTOBER,

At Twelve o'clock,

All that piece or parcel of land, as per deed of conveyance at the Mart, having very capital frontage to the Liverpool Road;—good land and timber, with every local advantage that a road-side frontage can give a property at so short a distance from Sydney. It is presumed that the productiveness, value, and wealth of the Liberty Plains district, nobody will take the liberty to dispute.

Terms at sale. 5066

80 HEAD.

A SMALL LOT OF FINE YOUNG CATTLE,

COWS, BULLOCKS, HEIFERS, AND STEERS,

THE BRINGELLY BREED.

MR. STUBBS will sell by public auction, at the Mart, King-street, (to be delivered at Bringelly), on

TUESDAY, THE 22ND OCTOBER,

At Twelve o'clock,

The above lot of fine young cattle.

Mr. Stubbs can strongly recommend this very choice, selected herd of cattle; having it from the very best authority that they are of first-rate character—home-bred—and from a stock known to be kept up without any regard to expense.

Terms at sale. 5150

CITY PROPERTY.—EXTENSIVE SALE.

£600 PER ANNUM.

W. H. CHAPMAN has been favoured with instructions from the proprietor, to submit to public sale, at the City Sale Rooms, 514, George-street, on

FRIDAY NEXT, 18TH OCTOBER,

At Twelve o'clock.

The following invaluable Properties, producing the princely rental above stated, let to respectable tenants on leases, and situated in

THE HEART OF THE CITY.

Lot 1.—Grant 1.—All that stone-built premises, situated at the corner of Kent and Mill streets, overlooking the Shipping of Darling Harbour, and known as the

NAPOLEON INN,

immediately between the extensive commercial wharfs of Aspinall and Co., H. Moore's J. Jones's, and W. S. Deloitte's. The above inn is leased to Mr. John Redgraves, 2 years unexpired, at £130 per annum, and re-let by him to the present occupant, Mr. W. Ford, at

£260 PER ANNUM.

Lot 2.—Grant 1.—A stone-built two-storied Store or Shop, adjoining Lot 1, fronting Mill-street, suitable for a Grocer's or Ship Chandler's Stores, now let to Mr. P. Anderson, at

£70 PER ANNUM.

Lot 3.—Grant 2.—That neat verandah Cottage, in Kent-street North, adjoining the Napoleon Inn, with back carriage entrance, and large yard. This Cottage contains four rooms, detached kitchen, and every family comfort, and now occupied by Mr. John Redgraves, two years unexpired, at

£80 PER ANNUM,

Quit-rent redeemed.

Lot 4—Grant 3.—That delightfully situated stone-built family residence, in Prince-street North, now occupied by the Chief Commissioner of Police, W. A. Miles, Esq., former let at

£156 PER ANNUM,

but now reduced to £65. This valuable Property overlooks Darling Harbour Shipping, the Parramatta River, and is one of the most genteel and convenient family residences in the City of Sydney.

Lot 5.—Grant 4.—A neat verandah Cottage in Gloucester-street, nearly opposite the Black Dog Inn, and adjoining the property of Mr. W. Foster, and Mr. Thorne. This is let to a respectable weekly tenant, at

£32 PER ANNUM.

Lots 6 and 7.—Two Dwelling Houses at the rear of Messrs. Dawson and Thompson's Haberdashery Shop, George-street North, being part of the Premises of Mr. A. B. Spark, consisting of two stone-built dwellings, now let to weekly tenants, producing

£39 PER ANNUM.

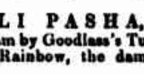
W. H. C. cannot refrain on this occasion calling the serious attention of men of capital, retired shopkeepers, and tradesmen,

TO THIS IMPORTANT SALE,

which needs no puffing; and now that it is decided beyond doubt that the numerous city properties for which so many have for months kept their capital unproductive, viz.,—

THE BANK OF AUSTRALIA AFFAIR,

will not be sold by auction; and no interest allowed on deposits at the various Banks,—no more need be said than that a plan of the properties will be ready for inspection at the City Sale Rooms, where the sale will take place on FRIDAY, 18TH OCTOBER, at 12 o'clock, when the grants will be produced, and all particulars given. 5084



TO STAND,

AT DUNTROON, near Queanbeyan, this season, the imported English Coaching Stallion,

ALI PASHA,

By Catwick, dam by Goodlass's Turk; granddam by Old Rainbow, the dam of Grand Turk.

Grand Turk won the Highland Society's premium twice, and fifteen other premiums; and was allowed to be the best coaching stallion in the north of England.

TERMS.—For one mare, £2 15s.: all above three mares, £2 5s.

Ali Pasha will travel round about the district of Lake George if a sufficient number of mares offer. Payment must be made on removal of the mares. 2109

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